101ST CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
101-906

MAKING APPROPRIATIONS FOR THE TREASURY DEPARTMENT, THE U.S. POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1991, AND FOR OTHER PURPOSES

OCTOBER 20, 1990.—Ordered to be printed

Mr. ROYBAL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 5241]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5241) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 8, 15, 17, 21, 30, 32, 47, 55, 58, 61, 62, 63, 64, 65, 66, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 104, 106, 107, 108, 109, 110, 111, 118, 119, 120, 121, 123, 124, 125, 126, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 9, 13, 22, 23, 24, 25, 31, 34, 37, 43, 44, 50, 67, and 68, and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$20,775,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$301,854,000*; and the Senate agree to the same.

Amendment numbered 11:

H183-22.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$21,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,073*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$110,347,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,501,119,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$942,932,000, of which not less than $247,878,000 shall remain available until expended for tax systems modernization, and of which $60,000,000 shall remain available until expended for other systems development projects*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$406,700,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$472,592,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,268,651,800*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the section designation proposed by said amendment insert: *7*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the section designation proposed by said amendment insert: *8*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the section designation proposed by said amendment insert: *9*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the section designation proposed by said amendment insert: *10*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the section designation proposed by said amendment insert: *11*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the section designation proposed by said amendment insert: *13*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section designation of said amendment insert: *14*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$138,219,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,250,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert: *$8,000,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 528. (a) Notwithstanding any other law and in any fiscal year—

(1) The Attorney General shall accept, and Federal departments and agencies, including the United States Secret Service, the Internal Revenue Service, the Resolution Trust Corporation, and the appropriate Federal banking agency, may provide, without reimbursement, the services of attorneys, law enforcement personnel, and other employees of any other departments or agencies of the Federal Government to assist the Department of Justice, subject to the supervision of the Attorney General, in the investigation and prosecution of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation; and

(2) any attorney of a department or agency whose services are accepted pursuant to paragraph (1) may, subject to the supervision of the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, and perform any other investigative or prosecutorial function, which United States attorneys are authorized by law to conduct or perform whether or not the attorney is a resident of the district in which the proceeding is brought; and

(3) law enforcement personnel of the United States Secret Service are authorized, subject to the supervision of the Attorney General, to conduct or perform any kind of investigation, civil or criminal, related to fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, which the Department of Justice law enforcement personnel are authorized by law to conduct or perform: Provided, That the Secret Service shall not initiate investigations pursuant to this section independent of the supervision of the Attorney General.

(b) This section—

(1) shall not, except as expressly provided herein, alter the authority of any Federal law enforcement agency; and

(2) shall expire with the authority of the Resolution Trust Corporation or its successor.

(c) This section applies notwithstanding any other provision of law enacted by the 101st Congress after October 15, 1990, that by its terms would grant authority to, or otherwise affect the authority of, the Secret Service or other departments or agencies of the Federal Government to conduct or to assist the Department of Justice in conducting investigations or prosecutions of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, and any other such provision shall not be effective in granting or otherwise affecting any such authority.

SEC. 529. FEDERAL EMPLOYEES PAY COMPARABILITY ACT OF 1990.

SECTION 1. SHORT TITLE; RULES OF CONSTRUCTION.

(a) SHORT TITLE.—This section, and the sections immediately following this section through section 412, inclusive, may be cited as the "Federal Employees Pay Comparability Act of 1990" (hereinafter in this section referred to as "FEPCA").

(b) RULES OF CONSTRUCTION.—(1) Except as otherwise expressly provided, any reference (actual or implicit) in FEPCA (outside of this section) to "this Act" (or to any title, section, or other designated provision of "this Act") shall be construed to be a reference to FEPCA (or the corresponding provision within FEPCA).

(2) Except as otherwise expressly provided, any reference (actual or implicit) in any provision of this Act outside of FEPCA to "this Act" (or to any title, section, or other designated provision of "this Act"), and any reference made in any provision of law outside of this Act to the "Treasury, Postal Service and General Government Appropriations Act, 1991" (or to any title, section, or other designated provision of such Act), shall be construed disregarding the provisions of FEPCA.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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Sec. 102. Pay for positions above GS–15 and certain other positions.
Sec. 103. Pay for critical positions.
Sec. 104. Administrative law judges and contract appeals board members.
Sec. 105. Special occupational pay systems.
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TITLE III—MISCELLANEOUS PROVISIONS

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TITLE I—AMENDMENTS RELATING TO BASIC PAY

SEC. 101. ANNUAL ADJUSTMENTS TO STATUTORY PAY RATES; LOCALITY-BASED COMPARABILITY PAYMENTS; OTHER MATTERS.

(a) GENERALLY.—(1) Subchapter I of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER I—PAY COMPARABILITY SYSTEM

"§ 5301. Policy

"It is the policy of Congress that Federal pay fixing for employees under the General Schedule be based on the principles that—

"(1) there be equal pay for substantially equal work within each local pay area;

"(2) within each local pay area, pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with non-Federal pay rates for the same levels of work within the same local pay area; and

"(4) any existing pay disparities between Federal and non-Federal employees should be completely eliminated.

"§ 5302. Definitions

"For the purpose of this subchapter—

"(1) the term 'statutory pay system' means a pay system under—

"(A) subchapter III, relating to the General Schedule;

"(B) section 403 of the Foreign Service Act of 1980, relating to the Foreign Service of the United States; or

"(C) chapter 73 of title 38, relating to the Veterans Health Services and Research Administration;

"(2) the term 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics;

"(3) the 'base quarter' for any year is the 3-month period ending on September 30 of such year;

"(4) the term 'pay agent' means the agent designated by the President under section 5304(d)(1);

"(5) the term 'locality' or 'pay locality' means any locality, as established or modified under section 5304;

"(6) the term 'pay disparity', as used with respect to a locality, means the extent to which rates of pay payable under the General Schedule are generally lower than the rates paid for the same levels of work by non-Federal workers in the same locality; except as otherwise required in this subchapter, a pay disparity shall be expressed as a single percentage which, if uniformly applied to employees within the locality who are receiving rates of pay under the General Schedule, would cause the rates payable to such employees to become substantially equal (when considered in the aggregate) to the rates paid to non-Federal workers for the same levels of work in the same locality;

"(7) the term 'comparability payment' means a payment payable under section 5304;

"(8) the term 'rates of pay under the General Schedule', 'rates of pay for the General Schedule', or 'scheduled rates of basic pay' means—

"(A) the rates of basic pay set forth in the General Schedule; and

"(B) in the case of an employee covered by the performance management and recognition system, the rates of basic pay under chapter 54; and

"(9) the term 'General Schedule position' means any position to which subchapter III applies (including any position under the performance management and recognition system).

"§ 5303. Annual adjustments to pay schedules

"(a) Effective as of the first day of the first applicable pay period beginning on or after January 1 of each calendar year, the rates of basic pay for each statutory pay system shall be increased by the percentage (rounded to the nearest one-tenth of 1 percent) equal to one-half of 1 percentage point less than the percentage by which the ECI for the base quarter of the year before the preceding calendar year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

"(b)(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President should consider the pay adjustment which would otherwise be required by subsection (a) in any year to be inappropriate, the President shall—

"(A) prepare and transmit to Congress before September 1 of the preceding calendar year a plan for such alternative pay adjustments as he considers appropriate, together with the reasons therefor; and

"(B) adjust the rates of pay of each statutory pay system, in accordance with such plan, effective on the same day as the increase under subsection (a) would otherwise take effect.

"(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including, but not limited to, the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

"(3) The President shall include in the report to Congress under paragraph (1)(A) his assessment of the impact that the alternative pay adjustments under this subsection will have on the Government's ability to recruit and retain well-qualified employees.

"(c) The rates of basic pay that take effect under this section—

"(1) shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith, any prior rates of basic pay under the statutory pay system involved (as last adjusted under this section or prior provisions of law); and

"(2) shall be printed in the Federal Register and the Code of Federal Regulations.

"(d) An increase in rates of basic pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335.

"(e) This section does not impair any authority pursuant to which rates of basic pay may be fixed by administrative action.

"(f) Pay may not be paid, by reason of any provision of this section (disregarding any comparability payment payable), at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule.

"(g) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agency or agencies as the President may designate.

"§ 5304. Locality-based comparability payments

"(a) Pay disparities shall be identified and reduced as follows:

"(1) Comparability payments shall be payable within each locality determined to have a pay disparity greater than 5 percent.

"(2)(A) The localities having pay disparities, and the size of those disparities, shall, for purposes of any comparability payment scheduled to take effect in any calendar year, be determined in accordance with the appropriate report, as prepared and submitted to the President under subsection (d)(1) for purposes of such calendar year.

"(B) Any computation necessary to determine the size of the comparability payment to become payable for any locality in a year (as well as any determination as to the size of any pay disparity remaining after that comparability payment is made) shall likewise be made using data contained in the appropriate report (described in subparagraph (A)) so prepared and submitted for purposes of such calendar year.

"(3) Subject to paragraphs (4) and (5), the amount of the comparability payments payable under this subsection in a calendar year within any locality in which a comparability payment is payable shall be computed using such percentage as the President determines for such locality under subsection (d)(2), except that—

"(A) the percentage for the first calendar year in which any amounts are payable under this section may not be less than 1/5 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(B) the percentage for the second calendar year in which any amounts are payable under this section may not be less than 3/10 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(C) the percentage for the third calendar year in which any amounts are payable under this section may not be less than 2/5 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(D) the percentage for the fourth calendar year in which any amounts are payable under this section may not be less than 1/2 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(E) the percentage for the fifth calendar year in which any amounts are payable under this section may not be less than 3/5 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(F) the percentage for the sixth calendar year in which any amounts are payable under this section may not be less than 7/10 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(G) the percentage for the seventh calendar year in which any amounts are payable under this section may not be less than 4/5 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(H) the percentage for the eighth calendar year in which any amounts are payable under this section may not be less than 9/10 of the amount needed to reduce the pay disparity of the locality involved to 5 percent; and

"(I) the percentage for the ninth calendar year in which any amounts are payable under this section, and any year thereafter, may not be less than the full amount necessary to reduce the pay disparity of the locality involved to 5 percent.

"(4) Nothing in this section shall be considered to preclude the President, in his discretion, from adjusting comparability payments to a level higher than the minimum level otherwise

required in a calendar year, including to the level necessary to eliminate a locality's pay disparity completely.

"(b) After the ninth calendar year (referred to in subsection (a)(3)(I)), the level of comparability payments payable within such locality may be reduced for any subsequent calendar year, but only if, or to the extent that, the reduction would not immediately create another pay disparity in excess of 5 percent within the locality (taking into consideration any comparability payments remaining payable).

"(c)(1) The amount of the comparability payment payable within any particular locality during a calendar year—

"(A) shall be stated as a single percentage, which shall be uniformly applicable to General Schedule positions within the locality; and

"(B) shall, for any employee entitled to receive a comparability payment, be computed by applying that percentage to such employee's scheduled rate of basic pay (or, if lower due to a limitation on the rate payable, the rate actually payable), subject to subsection (g).

"(2) A comparability payment—

"(A) shall be considered to be part of basic pay for purposes of retirement under chapter 83 or 84, as applicable, life insurance under chapter 87, and premium pay under subchapter V of chapter 55, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe; and

"(B) shall be paid in the same manner and at the same time as the basic pay payable to such employee pursuant to any provision of law outside of this section.

"(3) Nothing in this subchapter shall be considered to permit or require that any portion of a comparability payment be taken into account for purposes of any adjustment under section 5303.

"(4)(A) Only employees receiving scheduled rates of basic pay (subject to any pay limitation which may apply) shall be eligible for comparability payments under this section.

"(B) Comparability payments shall not be payable for service performed in any position which may not, under subsection (f)(1)(A), be included within a pay locality.

"(d) In order to carry out this section, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (e) (but not later than 13 months before the start of the calendar year for purposes of which it is prepared), a report that—

"(A) compares the rates of pay under the General Schedule with the rates of pay generally paid to non-Federal workers for the same levels of work within each pay locality, as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) based on data from such surveys, identifies each locality in which a pay disparity exists and specifies the size of each such pay disparity (before and after taking into consideration any comparability payments payable);

"(C) makes recommendations for appropriate comparability payments, in conformance with applicable requirements of this section; and

"(D) includes the views and recommendations submitted under subsection (e);

"(2) after considering the report of his agent (including the views and recommendations referred to in subsection (e)(2)(C)), provide for or adjust comparability payments in conformance with applicable requirements of this section, effective as of the beginning of the first applicable pay period commencing on or after January 1 of the applicable year; and

"(3) transmit to Congress a report of the actions taken under paragraph (2) (together with a copy of the report submitted to him by his agent, including the views and recommendations referred to in subsection (e)(2)(C)) which shall—

"(A) identify each pay locality;

"(B) specify which localities have pay disparities in excess of 5 percent, and the size of the disparity existing in each of those localities, according to the pay agent's most recent report under paragraph (1) (before and after taking into consideration any comparability payments payable); and

"(C) indicate the size of the respective comparability payments (expressed as percentages) which will be in effect under paragraph (2) for the various pay localities specified under subparagraph (B) for the applicable calendar year.

"(e)(1) The President shall establish a Federal Salary Council of 9 members, of whom—

"(A) 3 shall be chosen from among persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy; and

"(B) 6 shall be representatives of employee organizations which represent substantial numbers of employees holding General Schedule positions, and who shall be selected giving due consideration to such factors as the relative numbers of employees represented by the various organizations, except that not more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations.

Members of the Council shall not receive pay by reason of their service on the Council, nor shall members who are not otherwise employees of the United States be considered employees by reason of any such service. The President shall designate one of the members to serve as Chairman of the Federal Salary Council. One of the 3 members under subparagraph (A) may be the Chairman of the Federal Prevailing Rate Advisory Committee, notwithstanding the restriction under section 5347(a)(1), and such individual may also be designated to serve as Chairman of the Federal Salary Council.

"(2) The pay agent shall—

"(A) provide for meetings with the Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(i) the establishment or modification of pay localities;

"(ii) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (d)(1)(A) (including, but not limited to, the occupations, establishment sizes, and industries, to be surveyed, and how pay localities are to be surveyed);

"(iii) the process of comparing the rates of pay payable under the General Schedule with rates of pay for the same levels of work performed by non-Federal workers; and

"(iv) the level of comparability payments that should be paid in order to eliminate or reduce pay disparities in accordance with the requirements of this section;

"(B) give thorough consideration to the views and recommendations of employee organizations not represented on the Council regarding the subjects in subparagraph (A)(i)-(iv); and

"(C) include in its report to the President the views and recommendations submitted as provided in this subsection by the Council, by any member of the Council, and by employee organizations not represented on the Council.

"(f)(1) The pay agent may provide for such pay localities as the pay agent considers appropriate, except that—

"(A) each General Schedule position (excluding any outside the continental United States, as defined in section 5701(6)) shall be included within a pay locality; and

"(B) the boundaries of pay localities shall be determined based on appropriate factors which may include local labor market patterns, commuting patterns, and practices of other employers.

"(2)(A) The establishment or modification of any such boundaries shall be effected by regulations which, notwithstanding subsection (a)(2) of section 553, shall be promulgated in accordance with the notice and comment requirements of such section.

"(B) Judicial review of any regulation under this subsection shall be limited to whether or not it was promulgated in accordance with the requirements referred to in subparagraph (A).

"(g)(1) Except as provided in paragraph (2), comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the employee involved, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(2) For positions under subparagraphs (A)–(E) of subsection (h)(1), the applicable maximum under this subsection shall be level III of the Executive Schedule.

"(h)(1) For the purpose of this subsection, the term 'position' means—

"(A) a position to which section 5376 applies (relating to certain senior-level positions);

"(B) a Senior Executive Service position under section 3132;

"(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3151;

"(D) a position to which section 5372 applies (relating to administrative law judges appointed under section 3105);

"(E) a position to which section 5372a applies (relating to contract appeals board members); and

"(F) a position within an Executive agency not covered under any of the preceding subparagraphs, the rate of basic pay for which is (or, but for this section, would be) less than the rate payable for level V of the Executive Schedule;

but does not include—

"(i) a position to which subchapter IV applies (relating to prevailing rate systems); or

"(ii) a position as to which a rate of pay is authorized under section 5377 (relating to critical positions).

"(2)(A) Notwithstanding subsection (c)(4) or any other provision of this section, but subject to subparagraph (B) and paragraph (3), upon the request of the head of an Executive agency with respect to 1 or more categories of positions, the President may provide that each employee of such agency who holds a position within such category, and within the particular locality involved, shall be entitled to receive comparability payments.

"(B) A request by an agency head or exercise of authority by the President under subparagraph (A) shall cover—

"(i) with respect to the positions under subparagraphs (A) through (E) of paragraph (1), all positions described in the subparagraph or subparagraphs involved (excluding any under clause (i) or (ii) of such paragraph); and

"(ii) with respect to positions under paragraph (1)(F), such positions as may be considered appropriate (excluding any under clause (i) or (ii) of paragraph (1)).

"(3) Comparability payments under this subsection—

"(A) may be paid only in any calendar year in which comparability payments under the preceding provisions of this section are payable with respect to General Schedule positions within the same locality;

"(B) shall be payable, within the locality involved, for the entirety of each calendar year for which authority is granted by the President;

"(C) shall be computed using the same percentage as is applicable, for the calendar year involved, with respect to General Schedule positions within the same locality; and

"(D) shall be subject to the applicable limitation under subsection (g).

"(i) The Office of Personnel Management may prescribe regulations, consistent with the provisions of this section, governing the payment of comparability payments to employees.

"§ 5304a. Authority to fix an alternative level of comparability payments

"(a) If, because of national emergency or serious economic conditions affecting the general welfare, the President should consider the level of comparability payments which would otherwise be payable under section 5304 in any year to be inappropriate, the President shall—

"(1) prepare and transmit to Congress, at least 1 month before those comparability payments (disregarding this section) would

otherwise become payable, a report describing the alternative level of payments which the President instead intends to provide, including the reasons why such alternative level is considered necessary; and

"(2) implement the alternative level of payments beginning on the same date as would otherwise apply, for the year involved, under section 5304.

"(b) The requirements set forth in paragraphs (2) and (3), respectively, of section 5303(b) shall apply with respect to any decision to exercise any authority to fix an alternative level of comparability payments under this section.

"§ 5305. Special pay authority

"(a) Whenever the President finds that the Government's recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are, or are likely to become, significantly handicapped, due to any of the circumstances described in subsection (b), he may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of basic pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the maximum pay rate prescribed by statute for the grade or level by more than 30 percent, and no rate may be established under this section (disregarding any amount payable under subsection (g)) in excess of the rate of basic pay payable for level V of the Executive Schedule. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointment in the competitive service, by such other agency as he may designate.

"(b) The circumstances referred to in subsection (a) are—

"(1) rates of pay offered by non-Federal employers being significantly higher than those payable by the Government within the area, location, occupational group, or other class of positions under the pay system involved;

"(2) the remoteness of the area or location involved;

"(3) the undesirability of the working conditions or the nature of the work involved (including exposure to toxic substances or other occupational hazards); or

"(4) any other circumstance which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of subsection (a)) considers appropriate.

"(c) Authority under subsection (a) may be exercised with respect to positions paid under—

"(1) a statutory pay system; or

"(2) any other pay system established by or under Federal statute for civilian positions within the executive branch.

"(d) Within the limitations applicable under the preceding provisions of this section, rates of pay established under this section may be revised from time to time by the President or by such agency as

he may designate. The actions and revisions have the force and effect of statute.

"(e) An increase in a rate of basic pay established under this section is not an equivalent increase in pay within the meaning of section 5335.

"(f) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (c) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.

"(g)(1) The benefit of any comparability payments under section 5304 shall be available to individuals receiving rates of basic pay established under this section to such extent as the President (or his designated agency) considers appropriate, subject to paragraph (2) and subsection (h).

"(2) Payments under this subsection may not be made if, or to the extent that, when added to basic pay otherwise payable, such payments would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(h) The rate of basic pay payable to an individual under this section may not, at any time, be less than the rate which would then be payable to such individual (taking comparability payments under section 5304 into account) if this section had never been enacted.

"§ 5306. Pay fixed by administrative action

"(a) Notwithstanding sections 1341, 1342, and 1349–1351 and subchapter II of chapter 15 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b-3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons employed by the county committees established under section 590h(b) of title 16; and

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of a pay adjustment under section 5303 (or prior corresponding provision of law)), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1);

may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under

section 5303 (or prior provision of law), by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5303 for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5303; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations of allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5303.

"(b) An adjustment under subsection (a) in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"(e) Pay may not be paid, by reason of any exercise of authority under this section, at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule.

"§ 5307. Limitation on certain payments

"(a) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this title may be paid to an employee in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such employee for service performed in such calendar year as an employee in the executive branch (or as an employee outside the executive branch to whom chapter 51 applies), such payment would cause the total to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year.

"(b)(1) Any amount which is not paid to an employee in a calendar year because of the limitation under subsection (a) shall be paid to such employee in a lump sum at the beginning of the following calendar year.

"(2) Any amount paid under this subsection in a calendar year shall be taken into account for purposes of applying the limitation under subsection (a) with respect to such calendar year.

"(3) Paragraph (1) shall not apply to an amount if, or to the extent that, it is attributable to a payment the authority for which would derive from section 4505a(d), 5753(e), or 5754(e).

"(c) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section, including regulations (consistent with section 5582) concerning how a lump-sum

payment under subsection (b) shall be made with respect to any employee who dies before an amount payable to such employee under subsection (b) is made.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by striking the matter relating to subchapter I and inserting the following new matter:

"SUBCHAPTER I—PAY COMPARABILITY SYSTEM

"Sec.
"5301. Policy.
"5302. Definitions.
"5303. Annual adjustments to pay schedules.
"5304. Locality-based comparability payments.
"5304a. Authority to fix an alternative level of comparability payments.
"5305. Special pay authority.
"5306. Pay fixed by administrative action.
"5307. Limitation on certain payments.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) is amended by striking "subchapter I of chapter 53" and inserting "section 5303".

(2)(A) Section 256(g)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(2)(A)) is amended by striking "5301(c)" and inserting "5302(1)".

(B) Section 732(b)(6) of title 31, United States Code, is amended by striking "5301(a)" and inserting "5301".

(3)(A) Section 3326(b)(2) of title 5, United States Code, is amended by striking "5303" and inserting "5305".

(B) Section 5363(a)(2) of title 5, United States Code, is amended by striking "5303 of this title;" and inserting"5305 of this title (or corresponding prior provision of this title);".

(C) Section 5405(f) of title 5, United States Code, is amended—

(i) by striking "5303 of this title," and inserting "5305 of this title (or corresponding prior provision of this title),"; and

(ii) by striking "such section 5303." and inserting "such section 5305 (or corresponding prior provision).".

(D) Section 325(b)(2) of title 31, United States Code, is amended by striking "(except section 5303)," and inserting "(except section 5305, or corresponding prior provision of such title),".

(E) Sections 5542(a), 5543, and 5545(c)(1) of title 5, United States Code, are amended by inserting after "GS–10" each place it occurs the following: "(including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)".

(4)(A) Section 5318 of title 5, United States Code, is amended by striking "5305" and inserting "5303".

(B) Section 5382(c) of title 5, United States Code, is amended—

(i) in the first sentence, by striking "5305" and inserting "5303"; and

(ii) by striking the second sentence.

(C) Section 5403(a) of title 5, United States Code, is amended by striking "5305" and inserting "5303".

(D) Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "5305" and inserting "5303".

(E) Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-1) is amended by striking "5305" each place it appears and inserting "5303".

(F) Section 5 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2) is amended—

(i) in subsection (a) (in the matter before paragraph (1)), by striking "(a)" through "then" and inserting "(a) Whenever an adjustment under section 5303 becomes effective with respect to rates of pay under the General Schedule,";

(ii) in subsection (a)(1)(A), by striking "pay adjustment by the President);" and inserting "adjustment);"; and

(iii) in subsection (a)(1) (in the matter after subparagraph (B)), by striking "pay adjustment made by the President;" and inserting "adjustment under such section 5303;".

(G) The provisions of House Resolution 1495, Ninety-fourth Congress (as enacted into law by section 115 of the Legislative Branch Appropriations Act, 1978 (2 U.S.C. 84a–1)) is amended by striking "5305" each place it appears and inserting "5303".

(H) Section 256(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(1)) is amended—

(i) by inserting "(as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990)" after "any such statutory pay system"; and

(ii) by striking "5305" and inserting "5303".

(I) Section 104 of title 3, United States Code, is amended by striking "5305" and inserting "5303".

(J) Section 461(a) of title 28, United States Code, is amended by striking "5305" and inserting "5303".

(K) Section of 338A(g)(3) of the Public Health Service Act (42 U.S.C. 2541(g)(3)) is amended by striking "(as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code)" and inserting "(under section 5303 of title 5, United States Code)".

(5) The second proviso under the head "Senate Office Buildings" contained in the Legislative Branch Appropriation Act, 1972, as amended by Public Law 94–59 (40 U.S.C. 174j–8) is amended by striking "5307" and inserting "5306".

(6)(A) Section 5382(b) of title 5, United States Code, is amended by striking "5308" and inserting "5306(e)".

(B) Section 8431 of title 5, United States Code, is amended by striking "5308" and inserting "5303(e), 5304(g),".

(C) Section 9314 of title 10, United States Code, is amended by striking "5308" and inserting "5306(e)".

(7) Section 5383(b)(1) of title 5, United States Code, is amended by inserting "5304(j)," after "4507,".

(8)(A) Section 207 of title 18, United States Code, as amended by section 101 of Public Law 101–194 (103 Stat. 1716) and section 2 of Public Law 101–280 (104 Stat. 149) is amended—

(i) in subsection (c)(2) by striking subparagraph (A)(ii) and inserting the following:

"(ii) employed in a position which is not referred to in clause (i) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under section

5302 of title 5 (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for level V of the Executive Schedule;"; and

(ii) in subsection (e) by striking paragraph (6) and inserting the following:

"(6) LIMITATION ON RESTRICTIONS.—(A) The restrictions contained in paragraphs (2), (3), and (4) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed.

"(B) The restrictions contained in paragraph (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5 (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the basic rate of pay payable for level V of the Executive Schedule.".

(B) The amendments made by subparagraph (A) take effect on January 1, 1991.

(9)(A) Section 3132(a)(2) of title 5, United States Code, is amended by striking "in GS–16, 17, or 18 of the General Schedule" and inserting "classified above GS–15 pursuant to section 5108".

(B) Section 3304a(a) of title 5, United States Code, is amended by striking "in GS–16, 17, or 18)" and inserting "in a position classified above GS–15 pursuant to section 5108)".

(C)(i) Section 3324(a) of title 5, United States Code, is amended by striking "in GS–16, 17, or 18" and inserting "classified above GS–15 pursuant to section 5108".

(ii) The heading for such section 3324 is amended by striking "at GS–16, 17, and 18" and inserting "to positions classified above GS–15".

(iii) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3324 and inserting the following:

"3324. Appointments to positions classified above GS–15.".

(D) Section 3405(b) of title 5, United States Code, is amended by striking "fixed for GS–16 of the General Schedule." and inserting "payable under section 5376.".

(E) Section 3594(c)(1)(A) of title 5, United States Code, is amended by striking "at GS–15 or above of the General Schedule," and inserting "at GS–15 of the General Schedule or classified above GS–15 pursuant to section 5108,".

(F) Section 5102(c)(25) of title 5, United States Code, is amended by striking "maximum rate for GS–18;" and inserting "rate for level V of the Executive Schedule;".

(G) Section 5109(b) of title 5, United States Code, is amended by striking "is classified at GS–18" through the period and inserting

"shall be considered a position classified above GS–15 pursuant to section 5108.".

(H) Section 5373 of title 5, United States Code, is amended by striking "maximum rate for GS–18." and inserting "rate for level IV of the Executive Schedule.".

(I) The first sentence of section 5382(b) of title 5, United States Code, is amended by striking "for GS–16 of the General Schedule" and inserting "under section 5376".

(J) Section 5595(a)(2)(i) of title 5, United States Code, is amended—

(i) by striking "employee, other" and inserting "employee (other";

(ii) by inserting "or an employee whose pay is fixed under section 5376)" before "whose rate"; and

(iii) by striking "GS–18;" and inserting "the Executive Schedule;".

(K) Section 8476(d)(1) of title 5, United States Code, is amended by striking "grade GS–18 of the General Schedule" and inserting "level IV of the Executive Schedule".

(10) Section 3(b) of Public Law 92–298 and section 14(b) of Public Law 92–392 shall be treated as if (as of their respective dates of enactment) the phrase "to read as follows:" contained in each, had instead read "by striking the matter before subparagraph (A) and inserting the following:".

(c) OTHER REFERENCES.—Until otherwise provided by law—

(1) any reference in a provision of law (which is outside title 5, United States Code, and in effect immediately before this section takes effect, excluding any reference in a provision of law amended by this Act)—

(A)(i) to the rate of pay for grade GS–18 of the General Schedule, or to the maximum rate of pay under the General Schedule, shall be considered a reference to the maximum rate payable under section 5376 of such title (as amended by section 102(a));

(ii) to the minimum rate of pay for grade GS–16 of the General Schedule shall be considered a reference to the minimum rate payable under section 5376 of such title (as amended by section 102(a)); and

(iii) to a rate of pay for grade GS–16 or 17 of the General Schedule shall (except as provided in clause (ii)) be considered a reference to a rate of pay for a position classified above GS–15 pursuant to section 5108 of such title (as amended by section 102(b)(2)); and

(B) to a rate of pay under the General Schedule shall not include any comparability payment payable under section 5304 of such title (as amended by this section) or any geographic adjustment payable under section 302; and

(2) any authority granted by a provision of law (which is outside such title, and in effect immediately before this section takes effect) to fix pay in accordance with chapter 51 and subchapter III of chapter 53 of such title—

(A) shall not be considered to include any authority under section 5304 of such title (as amended by this section) or section 302; but

(B) shall be considered to include authority under section 5376 of such title (as amended by section 102(a)), if applicable.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations, consistent with subsection (c)(1)(B) and section 303, governing the conversion or adjustment of rates of pay, where necessary because of the abolishment of grades GS–16, 17, and 18 of the General Schedule.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the total funds dedicated to adjustments under sections 5303 and 5304 for any year be no less than the total funds that would have been dedicated to adjustments under such section 5303 for such year had the full change in the ECI been applied to pay rates for such year.

SEC. 102. PAY FOR POSITIONS ABOVE GS–15 AND CERTAIN OTHER POSITIONS.

(a) IN GENERAL.—(1) Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding after section 5375 the following new section:

"§ 5376. Pay for certain senior-level positions

"(a) This section applies to—

"(1) positions that are classified above GS–15 pursuant to section 5108; and

"(2) scientific or professional positions established under section 3104;

but does not apply to—

"(A) any Senior Executive Service position under section 3132; or

"(B) any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3151.

"(b)(1) Subject to such regulations as the Office of Personnel Management prescribes, the head of the agency concerned shall fix the rate of basic pay for any position within such agency to which this section applies. A rate fixed under this section shall be—

"(A) not less than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

"(B) not greater than the rate of basic pay payable for level IV of the Executive Schedule.

The payment of a rate of basic pay under this section shall not be subject to the pay limitation of section 5306(e) or 5373.

"(2) Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of pay under the General Schedule, each rate of pay established under this section for positions within an agency shall be adjusted by such amount as the head of such agency considers appropriate.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following new item:

"5376. Pay for certain senior-level positions.".

(b) AMENDMENTS TO CHAPTER 51 OF TITLE 5, UNITED STATES CODE.—(1) Section 5104 of title 5, United States Code, is amended—

(A) in the second sentence, by striking "18"; and

(b) by striking paragraphs (16) through (18).

(2) Section 5108 of title 5, United States Code, is amended to read as follows:

"§ 5108. Classification of positions above GS–15

"(a) The Office of Personnel Management may, for any Executive agency—

"(1) establish, and from time to time revise, the maximum number of positions which may at any one time be classified above GS–15; and

"(2) establish standards and procedures (including requiring agencies, where necessary in the judgment of the Office, to obtain the prior approval of the Office) in accordance with which positions may be classified above GS–15.

"(b) The President, rather than the Office, shall exercise the authority under subsection (a) in the case of positions proposed to be placed in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.".

(c) EXCLUSION FROM SUBCHAPTER III OF CHAPTER 53.—Section 5331(b) of title 5, United States Code, is amended to read as follows:

"(b) This subchapter applies to employees and positions to which chapter 51 applies, other than Senior Executive Service positions, positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and positions to which section 5376 applies.".

SEC. 103. PAY FOR CRITICAL POSITIONS.

(a) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, as amended by section 102, is further amended by adding at the end the following new section:

"§ 5377. Pay authority for critical positions

"(a) For the purpose of this section—

"(1) the term 'agency' has the meaning given it by section 5102; and

"(2) the term 'position' means—

"(A) a position to which chapter 51 applies, including a position in the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;

"(B) a position under the Executive Schedule under sections 5312–5317;

"(C) a position to which section 5372 applies (or would apply, but for this section); and

"(D) a position to which section 5372a applies (or would apply, but for this section).

"(b) Authority under this section—

"(1) may be granted or exercised only with respect to a position—

"(A) which requires expertise of an extremely high level in a scientific, technical, professional, or administrative field; and

"(B) which is critical to the agency's successful accomplishment of an important mission; and

"(2) may be granted or exercised only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(c) The Office of Management and Budget, in consultation with the Office of Personnel Management, may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section.

"(d)(1) The rate of basic pay fixed under this section by an agency head may not be less than the rate of basic pay (including any comparability payments) which would then otherwise be payable for the position involved if this section had never been enacted.

"(2) Basic pay may not be fixed under this section at a rate greater than the rate payable for level I of the Executive Schedule, except upon written approval of the President.

"(e) The authority to fix the rate of basic pay under this section for a position shall terminate—

"(1) whenever the Office of Management and Budget determines (in accordance with such procedures and subject to such terms or conditions as such Office by regulation prescribes) that 1 or more of the requirements of subsection (b) are no longer met; or

"(2) as of such date as such Office may otherwise specify, except that termination under this paragraph may not take effect before the authority has been available for such position for at least 1 calendar year.

"(f) The Office of Management and Budget may not authorize the exercise of authority under this section with respect to more than 800 positions at any time, of which not more than 30 may, at any such time, be positions the rate of basic pay for which would otherwise be determined under subchapter II.

"(g) The Office of Management and Budget shall consult with the Office of Personnel Management before prescribing regulations under this section or making any decision to grant or terminate any authority under this section.

"(h) The Office of Management and Budget shall report to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate each year, in writing, on the operation of this section. Each report under this subsection shall include—

"(1) the number of positions, in the aggregate and by agency, for which higher rates of pay were authorized or paid under this section during any part of the period covered by such report; and

"(2) the name of each employee to whom a higher rate of pay was paid under this section during any portion of the period covered by such report, the rate or rates paid under this section during such period, the dates between which each such higher rate was paid, and the rate or rates that would have been paid but for this section.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, as amended by section 102, is further amended by adding at the end the following new item:

"5377. Pay authority for critical positions.".

SEC. 104. ADMINISTRATIVE LAW JUDGES AND CONTRACT APPEALS BOARD MEMBERS.

(a) PAY PROVISIONS.—(1) Section 5372 of title 5, United States Code, is amended to read as follows:

"§ 5372. Administrative law judges

"(a) For the purpose of this section, the term 'administrative law judge' means an administrative law judge appointed under section 3105.

"(b)(1) There shall be 3 levels of basic pay for administrative law judges (designated as AL–1, 2, and 3, respectively), and each such judge shall be paid at 1 of those levels, in accordance with the provisions of this section. The rates of basic pay for those levels shall be as follows:

"AL–3, rate A	*65 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–3, rate B	*70 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–3, rate C	*75 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–3, rate D	*80 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–3, rate E	*85 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–3, rate F	*90 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–2	*95 percent of the rate of basic pay for level IV of the Executive Schedule.*
"AL–1	*The rate of basic pay for level IV of the Executive Schedule.*

"(2) The Office of Personnel Management shall determine, in accordance with procedures which the Office shall by regulation prescribe, the level in which each administrative-law-judge position shall be placed and the qualifications to be required for appointment to each level.

"(3)(A) Upon appointment to a position in AL–3, an administrative law judge shall be paid at rate A of AL–3, and shall be advanced successively to rates B, C, and D of that level upon completion of 52 weeks of service in the next lower rate, and to rates E and F of that level upon completion of 104 weeks of service in the next lower rate.

"(B) The Office of Personnel Management may provide for appointment of an administrative law judge in AL–3 at an advanced rate under such circumstances as the Office may determine appropriate.

"(c) The Office of Personnel Management shall prescribe regulations necessary to administer this section.".

(2) Subchapter VII of chapter 53 of title 5, United States Code, is amended by inserting before section 5373 the following new section:

"§ 5372a. Contract appeals board members

"(a) For the purpose of this section—

"(1) the term 'contract appeals board member' means a member of an agency board of contract appeals appointed under section 8 of the Contract Disputes Act of 1978; and

"(2) the term 'appeals board' means an agency board of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978.

"(b) Rates of basic pay for contract appeals board members shall be as follows:

"(1) Chairman of an appeals board—the rate of basic pay payable for level IV of the Executive Schedule.

"(2) Vice chairman of an appeals board—97 percent of the rate under paragraph (1).

"(3) Other members of an appeals board—94 percent of the rate under paragraph (1).

"(c) Rates of pay taking effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting before the item relating to section 5373 the following new item:

"5372a. Contract appeals board members.".

(c) AMENDMENTS TO 5 U.S.C. 5311.—Section 5311 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a)".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 5102(c) of title 5, United States Code, is amended—

(A) in paragraph (27), by striking "or";

(B) in paragraph (28), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new items:

"(29) administrative law judges appointed under section 3105; or

"(30) members of agency boards of contract appeals appointed under section 8 of the Contract Disputes Act of 1978.".

(2) Section 5335(a)(B) of title 5, United States Code, is amended by striking ", except an administrative law judge appointed under section 3105 of this title,".

(3) Section 428(b) of the Black Lung Benefits Act (30 U.S.C. 938(b)) is amended by striking the sentence beginning "Each administrative law judge presiding" and inserting "Each administrative law judge presiding under this section and under the provisions of titles I, II and III of this Act shall receive compensation at a rate determined under section 5372 of title 5, United States Code.".

(4) Section 8(b) of the Contract Disputes Act of 1978 is amended—

(A) in paragraph (1), by striking the last 2 sentences thereof and inserting the following: "Compensation for the chairman, the vice chairman, and all other members of an agency board shall be determined under section 5372a of title 5, United States Code."; and

(B) in paragraph (2), by striking the last 2 sentences thereof and inserting the following: "The chairman and all other members of such board shall receive compensation, at the daily equivalent of the rates determined under section 5372a of title 5, United States Code, for each day they are engaged in the actual performance of their duties as members of the board.".

(e) CONVERSION RULE FOR ALJs.—In making initial pay adjustments for administrative law judges after this section and the amendments made by this section take effect, the rate of basic pay for any such judge shall, upon conversion to the new pay system, be at least equal to the rate which was payable to that individual immediately before such conversion.

SEC. 105. SPECIAL OCCUPATIONAL PAY SYSTEMS.

(a) IN GENERAL.—(1) Chapter 53 of title 5, United States Code, is amended by inserting after subchapter VIII the following new subchapter:

"SUBCHAPTER IX—SPECIAL OCCUPATIONAL PAY SYSTEMS

"5391. Definitions.
"5392. Establishment of special occupational pay systems.

"§ 5391. Definitions

"For the purposes of this subchapter, 'agency', 'employee', and 'position' have the meanings given them by section 5102.

"§ 5392. Establishment of special occupational pay systems

"(a) Authority under this section may be exercised with respect to any occupation or group of occupations to which subchapter III applies (or would apply but for this section).

"(b) Subject to subsection (a), the President's pay agent (as referred to in section 5304(d)) may establish one or more special occupational pay systems for any positions within occupations or groups of occupations that the pay agent determines, for reasons of good administration, should not be classified under chapter 51 or subject to subchapter III.

"(c) In establishing special occupational pay systems, the pay agent shall—

"(1) identify occupations or groups of occupations for which chapter 51 and subchapter III do not function adequately;

"(2) consider alternative approaches for determining the pay for employees in positions in such occupations or groups of occupations;

"(3) give thorough consideration to the views of agencies employing such employees and labor organizations representing such employees, as well as other interested parties;

"(4) publish a proposed plan for determining the pay of such employees in the Federal Register;

"(5) conduct one or more public hearings;

"(6) provide each House of Congress with a report at least 90 days in advance of the date the system is to take effect setting forth the details of the proposed plan; and

"(7) not later than 30 days before the date the system is to take effect, publish in the Federal Register the details of the final plan for the special occupational pay system.

"(d) A special occupational pay system may not—

"(1) provide for a waiver of any law, rule, or regulation that could not be waived under section 4703(c); or

"(2) provide a rate of basic pay for any employee in excess of the rate payable for level V of the Executive Schedule.

"(e) Subject to subsection (d)(2), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of pay under the General Schedule, each rate of pay established under this section shall be adjusted by such amount as the Office considers appropriate.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding at the end the following new matter:

"SUBCHAPTER IX—SPECIAL OCCUPATIONAL PAY SYSTEMS

"Sec.
"5391. Definitions.
"5392. Establishment of special occupational pay systems.".

(b) PAY RETENTION.—(1) Section 5361(5) of title 5, United States Code, is amended by inserting "a special occupational pay system under subchapter IX," before "or".

(2) Section 5363(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" after the semicolon;

(B) in paragraph (3), by inserting "or" after the semicolon; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) who is in a position subject to this subchapter and who is subject to a reduction or termination of a rate of pay established under subchapter IX of chapter 53;".

SEC. 106. ELIMINATION OF GS-11 THRESHOLD FOR NEW APPOINTEES TO BE PAID ABOVE MINIMUM RATES.

Section 5333(a) of title 5, United States Code, is amended by striking "in GS-11 or above".

SEC. 107. ADVANCES OF PAY.

(a) IN GENERAL.—Subchapter III of chapter 55 of title 5, United States Code, is amended by inserting after section 5524 the following new section:

"§ 5524a. Advance payments for new appointees

"(a) The head of each agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to any individual who is newly appointed to a position in the agency.

"(b)(1) Subject to adjustment of the account of an employee under paragraph (2) and other applicable statutes, the advance payment of basic pay shall be made, under agency procedures governing advance payments under this section, at the initial rate of basic pay to be payable to the employee upon the commencement of service in the position to which appointed.

"(2) The head of each agency shall provide for—

"(A) the review of the account of each employee of the agency in receipt of any payment under this section; and

"(B) the adjustment of the amount of any such payment on the basis of the rate of basic pay to which the employee would have been entitled under applicable statute other than this section for the respective periods covered by the payments, if the employee had performed active service under the terms of such employee's appointment during each period in the position to which appointed.

"(c) An advance payment under this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or such employee's estate by—

"(1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and

"(2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance payment under this section if it is shown that the recovery would be against equity and good conscience or against the public interest.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5524 the following new item:

"5524a. Advance payments for new appointees.".

SEC. 108. REEMPLOYMENT OF RETIREES.

(a) AMENDMENT TO 5 U.S.C. 5532.—Section 5532 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).".

(b) AMENDMENT TO 5 U.S.C. 8344.—Section 8344 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for

which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).

"(3) An employee to whom a waiver under subparagraph (A) or (B) of paragraph (1) applies shall not be deemed an employee for the purposes of this chapter or chapter 84 while such waiver is in effect.".

(c) AMENDMENT TO 5 U.S.C. 8468.—Section 8468 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).

"(3) An employee to whom a waiver under subparagraph (A) or (B) of paragraph (1) applies shall not be deemed an employee for the purposes of chapter 83 or this chapter while such waiver is in effect.".

SEC. 109. NEW PAY STRUCTURE FOR THE POLICE FORCES OF THE BUREAU OF ENGRAVING AND PRINTING AND THE UNITED STATES MINT.

(a) AMENDMENTS.—(1)(A) Subchapter VII of chapter 53 of title 5, United States Code, as amended by sections 102 and 103, is further amended by adding at the end the following new section:

"§ 5378. Police forces of the Bureau of Engraving and Printing and the United States Mint

"(a) The Secretary of the Treasury shall fix the rates of basic pay for positions within the police forces of the Bureau of Engraving and Printing and the United States Mint in accordance with the following:

"(1) Entry-level police officer—not more than the maximum rate payable for GS–6.

"(2) Journeyman-level police officer—not more than the maximum rate payable for GS–7.

"(3) Corporal—not more than the maximum rate payable for GS–8.

"(4) Sergeant—not more than the maximum rate payable for GS–9.

"(5) Lieutenant—not more than the maximum rate payable for GS–10.

"(6) Deputy Inspector—not more than the maximum rate payable for GS–11.

"(7) Inspector—not more than the maximum rate payable for GS–12.

"(b) For the purpose of this section, the term 'police forces of the Bureau of Engraving and Printing and the United States Mint' means the employees of the Department of the Treasury who are appointed, under the authority of the Secretary of the Treasury, as police officers for the protection of the Bureau of Engraving and Printing and the United States Mint buildings and property.".

(B) The table of sections for subchapter VII of chapter 53 of title 5, United States Code, as amended by sections 102 and 103, is further amended by adding at the end the following new item:

"5378. Police forces of the Bureau of Engraving and Printing and the United States Mint.".

(2) Section 5102(c)(5) of title 5, United States Code, is amended—

(A) by striking "and members" and inserting "members"; and

(B) by adding "and members of the police forces of the Bureau of Engraving and Printing and the United States Mint whose pay is fixed under section 5378 of this title;" after the last semicolon.

(b) SPECIAL PAY RATES NOT AFFECTED.—Nothing in this section or in any amendment made by this section shall—

(1) affect any special pay rate under section 5305 of title 5, United States Code, established before this section takes effect; or

(2) impair any authority to fix or adjust special pay rates under such section 5305 (or a succeeding provision of law) for positions within the police forces of the Bureau of Engraving and Printing and the United States Mint.

(c) EFFECTIVE DATE; CONVERSION AND SAVINGS PROVISIONS.—(1) This section and the amendments made by this section shall become effective on the first day of the first applicable pay period beginning on or after the 30th day following the date of enactment of this Act.

(2)(A) A special pay rate (as defined in subparagraph (B)) shall apply to an individual holding a position if—

(i) as a result of the initial exercise of authority with respect to such position under the amendment made by subsection (a)(1)(A), such individual would (but for this paragraph) be paid—

(I) at the step of the grade for which such special pay rate is then in effect; or

(II) at a level which is between steps for which special pay rates are then in effect; and

(ii) such position is within the area or location with respect to which that special pay rate or those special pay rates, as applicable, are then in effect.

The Secretary of the Treasury shall prescribe regulations for determining which special pay rate shall apply in a situation described in clause (i)(II).

(B) For the purpose of this paragraph, the term "special pay rate" means a rate which—

(i) is established under section 5303 of title 5, United States Code (or a succeeding provision of law);

(ii) is applicable to positions within the police forces of the Bureau of Engraving and Printing and the United States Mint; and

(iii) has been in effect (including any adjustments under section 5303(d) of such title) since on or before the effective date of this section.

(3) No rate of basic pay in effect immediately before this section takes effect shall be reduced by reason of the enactment of this section.

SEC. 110. COMPENSATION OF STANDING TRUSTEES APPOINTED UNDER TITLES 11 AND 28, UNITED STATES CODE.

(a) COMPENSATION.—Section 586(e)(1)(A) of title 28, United States Code, is amended to read as follows:

"(A) a maximum annual compensation for such individual consisting of—

"(i) an amount not to exceed the highest annual rate of basic pay in effect for level V of the Executive Schedule; and

"(ii) the cash value of employment benefits comparable to the employment benefits provided by the United States to individuals who are employed by the United States at the same rate of basic pay to perform similar services during the same period of time; and".

(b) APPLICATION TO ALL STANDING TRUSTEES.—The amendment made by subsection (a) shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–54; 100 Stat. 3121) apply.

SEC. 111. PAY-FOR-PERFORMANCE LABOR-MANAGEMENT COMMITTEE.

(a) POLICY.—It is the policy of Congress that—

(1) the Federal Government should institute systems for determining pay for its General Schedule employees under which the linkage between their performance and their pay will be strengthened;

(2) the design of such systems should be developed by the Office of Personnel Management, in conjunction with the Pay-for-Performance Labor-Management Committee;

(3) the systems should provide flexibility to adapt to the different needs of different agencies and organizational components in the Federal Government; and

(4) any legislation needed to implement the systems should be enacted in a timely fashion so as to permit implementation of the system by October 1, 1993.

(b) ESTABLISHMENT.—The Office of Personnel Management shall establish a Pay-for-Performance Labor-Management Committee to advise the Office on the design and establishment of systems for strengthening the linkage between the performance of General Schedule employees and their pay.

(c) MEMBERSHIP.—The members of the Committee shall be—

(1) a Chairman, who shall be appointed by the Director of the Office of Personnel Management on the basis of the appointee's education, training, and experience as an expert in compensation practices, and after consultation with the Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives, respectively;

(2) an employee of the Office of Personnel Management, designated by the Director of such Office;

(3) an employee of the Department of Defense, designated by the Secretary of Defense;

(4) 3 individuals, each of whom shall be an employee designated by the head of each of 3 other departments or agencies selected by the Director of the Office of Personnel Management from among departments and agencies having substantial numbers of General Schedule employees; and

(5) 6 individuals appointed by the Director of the Office of Personnel Management to serve as representatives of employee organizations which represent substantial numbers of General Schedule employees, and who shall be selected with due consideration to such factors as the relative numbers of General Schedule employees represented by the various organizations except that not more than 3 members of the Committee at any one time shall be from a single employee organization, council federation, alliance, association, or affiliation of employee organizations.

(d) PAY FOR MEMBERS.—The Chairman shall be paid at a rate of basic pay for the Senior Executive Service, to be determined by the Director of the Office of Personnel Management. The members of the Committee who are otherwise employees of the Federal Government shall not receive any additional pay by reason of their service on the Committee. The members of the Committee who are not otherwise employees of the Federal Government shall not be paid for their service on the Committee and shall not be considered employees of the Federal Government for any purpose by reason of their service on the Committee.

(e) ADMINISTRATIVE SUPPORT.—The Office of Personnel Management may provide staff and administrative support for the Committee.

(f) FUNCTIONS.—The Committee shall review available reports and studies on performance evaluation and performance-based pay systems (including a report to be prepared by the National Academy of Sciences) and any other pertinent information.

(g) REPORT TO THE OFFICE OF PERSONNEL MANAGEMENT.—No later than 1 year after the date of enactment of this Act, the Committee shall submit a report to the Director of the Office of Personnel Management, which shall include recommendations as to—

(1) the types of pay raises to be covered;

(2) guidelines for pay-for-performance systems, including the criteria to be used in determining eligibility for and the amount of increases in basic pay above the midpoint of the pay range;

(3) the role organizational performance should play in pay-for-performance systems;

(4) any differences in pay-for-performance systems for different categories of employees;

(5) the role for employee organizations in the implementation and operation of pay-for-performance systems; and

(6) whether demonstration projects on pay-for-performance are desirable.

SEC. 112. POSITION TITLES IN CERTAIN DEPARTMENTS.

(a) CHANGE IN POSITION TITLE.—(1) The position of Under Secretary of Health and Human Services, established by section 2 of Reorganization Plan No. 1 of 1953 (67 Stat. 631), is retitled the Deputy Secretary of Health and Human Services.

(2) The Act of May 9, 1935 (49 Stat. 177, 43 U.S.C. 1452) is amended by striking "Under Secretary" and inserting "Deputy Secretary".

(3) The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(A) in section 104(3) (20 U.S.C. 3404(3)), by striking "Under Secretary" both places it appears and inserting "Deputy Secretary"; and

(B) in section 202(a) (20 U.S.C. 3412(a))—

(i) in the first sentence, by striking "an Under Secretary" and inserting "a Deputy Secretary"; and

(ii) in subsequent sentences, by striking "Under Secretary" each place it appears and inserting "Deputy Secretary".

(3) The first sentence of section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended by striking "an Under Secretary" and inserting "a Deputy Secretary".

(b) COMPENSATION OF DEPUTY SECRETARIES.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Health and Human Services.

"Deputy Secretary of the Interior.

"Deputy Secretary of Education.

"Deputy Secretary of Housing and Urban Development.".

(c) CONSTRUCTION OF REFERENCES.—Any reference in any statute, reorganization plan, regulation, executive order, or any document issued pursuant thereto in force on the date this section takes effect to the Under Secretary of Health and Human Services, the Under Secretary of the Interior, the Under Secretary of Education, or the Under Secretary of Housing and Urban Development shall be deemed to be a reference to the Deputy Secretary of Health and Human Services, the Deputy Secretary of the Interior, the Deputy Secretary of Education, or the Deputy Secretary of Housing and Urban Development, respectively.

(d) CONFORMING AMENDMENTS.—Section 5314 of title 5, United States Code, is amended by striking the following:

"Under Secretary of Health and Human Services.

"Under Secretary of the Interior.

"Under Secretary of Education.

"Under Secretary of Housing and Urban Development.".

(e) EFFECTIVE DATE; CONTINUED SERVICE BY INCUMBENTS.—(1) This section shall take effect on the first day of the first pay period that begins on or after the date of enactment of this Act.

(2)(A) The incumbent in the position of Under Secretary of Health and Human Services on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Health and Human Services at the pleasure of the President after such day.

(B) The incumbent in the position of Under Secretary of the Interior on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of the Interior at the pleasure of the President after such day.

(C) The incumbent in the position of Under Secretary of Education on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Education at the pleasure of the President after such day.

(D) The incumbent in the position of Under Secretary of Housing and Urban Development on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Housing and Urban Development at the pleasure of the President after such day.

SEC. 113. DIRECTOR OF THE CENSUS BUREAU.

Title 5, United States Code, is amended—

(1) in section 5316, by striking the item relating to the Director, Bureau of the Census, Department of Commerce; and

(2) in section 5315, by adding at the end the following:

"Director, Bureau of the Census, Department of Commerce.".

TITLE II—AMENDMENTS RELATING TO AWARDS, ALLOWANCES, DIFFERENTIALS, AND OTHER RELATED MATTERS

SEC. 201. TIME OFF FROM DUTY AS AN INCENTIVE AWARD.

Section 4502 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding section 4501(2), for the purpose of this subsection, 'employee' includes an employee covered by the performance management and recognition system established under chapter 54.

"(2) The Office of Personnel Management may by regulation permit agencies to grant employees time off from duty, without loss of pay or charge to leave, as an award in recognition of superior accomplishment or other personal effort that contributes to the quality, efficiency, or economy of Government operations.".

SEC. 202. UNIFORM ALLOWANCES.

(a) AMENDMENTS TO SECTION 5901 OF TITLE 5, UNITED STATES CODE.—Section 5901(a) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "an amount" through the period and inserting "such sums as may be necessary to carry out this subchapter."; and

(2) by striking "$125 a year" each place it appears and inserting "$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).".

(b) AMENDMENTS TO SECTIONS 5902 AND 5903 OF TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended by striking sections 5902 and 5903 and inserting the following:

"§ 5902. Increase in maximum uniform allowance

"The Office of Personnel Management may, from time to time, by regulation adjust the maximum amount for the cost of uniforms and the maximum allowance for uniforms under section 5901.

"§ 5903. Regulations

"The Office of Personnel Management may prescribe such regulations as it considers necessary for the administration of this subchapter.".

SEC. 203. DIFFERENTIAL FOR PHYSICAL HARDSHIP OR HAZARD.

Section 5545(d) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "irregular or intermittent"; and

(2) in paragraph (1), by striking "thereof;" and inserting "thereof, except in such circumstances as the Office may by regulation prescribe;".

SEC. 204. EXCEPTION FROM LIMITATION ON PREMIUM PAY.

Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting after "GS–15" the following: "(including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)"; and

(2) by amending subsection (b) to read as follows:

"(b)(1) Subject to regulations prescribed by the Office of Personnel Management, the first sentence of subsection (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency which involves a direct threat to life or property, including a forest wildfire emergency.

"(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) if, or to the extent that, the aggregate of such employee's basic pay and premium pay under those provisions would, in any calendar year, exceed the maximum rate payable for GS–15 in effect at the end of such calendar year.".

SEC. 205. HEALTH CARE POSITIONS.

(a) IN GENERAL.—Section 5371 of title 5, United States Code, is amended to read as follows:

"§5371. Health care positions

"(a) For the purposes of this section, 'health care' means direct patient-care services or services incident to direct patient-care services.

"(b) The Office of Personnel Management may, with respect to any employee described in subsection (c), provide that 1 or more provisions of chapter 73 of title 38 shall apply—

"(1) in lieu of any provision of chapter 51 or 61, or any other provision of this chapter; or

"(2) notwithstanding any lack of specific authority for a matter with respect to which chapter 51 or 61, or this chapter, relates.

"(c) Authority under subsection (b) may be exercised with respect to any employee holding a position—

"(1) to which chapter 51 applies, excluding any Senior Executive Service position and any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service; and

"(2) which involves health care responsibilities.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by striking the item relating to section 5371 and inserting the following:

"5371. Health care positions.".

SEC. 206. TRAVEL AND TRANSPORTATION EXPENSES FOR CANDIDATES AND NEW APPOINTEES.

(a) INTERVIEW EXPENSES.—(1) Chapter 57 of title 5, United States Code, is amended by inserting after section 5706a the following new section:

"§ 5706b. Interview expenses

"An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter for travel to and from pre-employment interviews determined necessary by the agency.".

(2) The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706a the following new item:

"5706b. Interview expenses.".

(b) OTHER EXPENSES.—Section 5723(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "a position" through "shortage," and inserting "any position,"; and

(2) in subparagraph (C), by striking "the minimum rate of pay prescribed for GS–16; and" and inserting "the minimum rate of pay payable for a position classified above GS–15 pursuant to section 5108; and".

SEC. 207. PERFORMANCE-BASED CASH AWARDS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4505 the following new section:

"§4505a. Performance-based cash awards

"(a)(1) An employee whose most recent performance rating was at the fully successful level or higher (or the equivalent thereof) may be paid a cash award under this section.

"(2)(A) A cash award under this section shall be equal to an amount determined appropriate by the head of the agency, but may not be more than 10 percent of the employee's annual rate of basic

pay. Notwithstanding the preceding sentence, the agency head may authorize a cash award equal to an amount exceeding 10 percent of the employee's annual rate of basic pay if the agency head determines that exceptional performance by the employee justifies such an award, but in no case may an award under this section exceed 20 percent of the employee's annual rate of basic pay.

"(B) For purposes of computing a percentage of a rate of basic pay under subparagraph (A), the rate of basic pay used shall be determined without taking into account any comparability payment under section 5304.

"(b)(1) A cash award under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

"(2) The failure to pay a cash award under this section, or the amount of such an award, may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

"(c) The Office shall prescribe such regulations as it considers necessary for the administration of subsections (a) and (b).

"(d) At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (c) to prescribe any necessary regulations).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4505 the following new item:

"4505a. Performance-based cash awards.".

SEC. 208. RECRUITMENT, RELOCATION, AND RETENTION PAYMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new sections:

"§5753. Recruitment and relocation bonuses

"(a) The Office of Personnel Management may authorize the head of an agency to pay a bonus to an employee who is newly appointed to a position under the General Schedule, or to an employee under the General Schedule or under any other pay authority in the executive, legislative, or judicial branch who must relocate to accept a position under the General Schedule, if the Office determines that the agency would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

"(b)(1)(A) The amount of a bonus under this section shall be determined by regulations of the Office, but may not exceed 25 percent of the annual rate of basic pay of the position to which the employee is being appointed or relocated.

"(B) For purposes of computing a percentage of a rate of basic pay under subparagraph (A), the rate of basic pay used shall be determined without taking into account any comparability payment under section 5304.

"(2) Payment of a bonus under this section shall be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, with the required period determined pursuant to regulations of the Office. If the employee voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the employee shall repay the bonus on a pro rata basis.

"(3) A bonus under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

"(4) Under regulations of the Office, a recruitment bonus may be paid to a newly-hired employee before the employee enters on duty.

"(c) For the purpose of this section—

"(1) the terms 'agency' and 'employee' have the meanings given them by section 5102; and

"(2) any reference to 'a position under the General Schedule' or 'an employee under the General Schedule' shall be considered to be a reference to any position or employee to which subchapter III of chapter 53 applies.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of subsections (a) through (c).

"(e) At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (d) to prescribe any necessary regulations).

"§ 5754. Retention allowances

"(a) The Office of Personnel Management may authorize the head of an agency to pay an allowance to an employee under the General Schedule if—

"(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee; and

"(2) the agency determines that the employee would be likely to leave in the absence of a retention allowance.

"(b)(1) A retention allowance, which shall be stated as a percentage of the rate of basic pay (excluding any comparability payments under section 5304) of the employee, may not exceed 25 percent of such rate of basic pay.

"(2) A retention allowance may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a retention allowance may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

"(3) A retention allowance shall be paid at the same time and in the same manner as the employee's basic pay is paid.

"(c) For the purpose of this section—

"(1) the terms 'agency' and 'employee' have the meanings given them by section 5102; and

"(2) any reference to 'an employee under the General Schedule' shall be considered to be a reference to any employee holding a position to which subchapter III of chapter 53 applies.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of subsections (a) through (c).

"(e) At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (d) to prescribe any necessary regulations).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding after the item relating to section 5752 the following new items:

"5753. Recruitment and relocation bonuses.
"5754. Retention allowances.".

SEC. 209. STAFFING DIFFERENTIALS.

(a) IN GENERAL.—Effective on the first day of the first applicable pay period beginning on or after January 1, 1991, the President may establish staffing differentials equal to 5 percent of basic pay, which may be paid to each General Schedule employee whose position is in—

(1) grade GS–5 or 7 of the General Schedule; or

(2) a 2-grade-interval occupational series, as determined by the Office of Personnel Management.

(b) MANNER OF PAYMENT; REDUCTION OR ELIMINATION.—A staffing differential under this section—

(1) shall be paid in the same manner and at the same time as the employee's basic pay is paid, but may not be considered to be part of basic pay for any purpose; and

(2) may be reduced or eliminated by the Office of Personnel Management in its sole discretion as the amendments made by this Act take effect, except that no such reduction or elimination shall have the effect of reducing the total amount of pay (determined by adding basic pay and staffing differential) which any employee is receiving.

SEC. 210. PREMIUM PAY AMENDMENTS.

Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542, by adding at the end the following new subsection:

"(c) Subsection (a) shall not apply to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid non-work status shall be deemed to be hours of work.";

(2) in section 5543(a)(1), by inserting after "payment" the following: "under section 5542 or section 7 of the Fair Labor Standards Act of 1938"; and

(3) in section 5544, by adding at the end of subsection (a) "This section, other than the sixth sentence, shall not be appli-

cable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid non-work status shall be deemed to be hours of work.".

SEC. 211. SUPERVISORY DIFFERENTIALS.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, as amended by section 208, is further amended by adding at the end the following:

"§ 5755. Supervisory differentials

"(a)(1) The Office of Personnel Management may authorize the head of an agency to pay a differential to an employee under the General Schedule who has supervisory responsibility for 1 or more employees not under the General Schedule, if 1 or more of the subordinate employees would, in the absence of such a differential, be paid more than the supervisory employee.

"(2) For the purposes of comparing the pay of a supervisory employee under the General Schedule with the pay of a subordinate employee not under the General Schedule, comparability payments under section 5304, differentials, and allowances that are not a part of basic pay may be taken into consideration, as provided by regulations of the Office.

"(b)(1) A supervisory differential, which shall be stated as a percentage of the supervisory employee's rate of basic pay (excluding any comparability payments under section 5304) or as a dollar amount, may not cause the supervisory employee's pay to exceed the pay of the highest paid subordinate employee by more than 3 percent.

"(2) A supervisory differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a supervisory differential may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

"(3) A supervisory differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c) For the purpose of this section—

"(1) the terms 'agency' and 'employee' have the meanings given them by section 5102; and

"(2) any reference to 'an employee under the General Schedule' shall be considered to be a reference to any employee holding a position to which subchapter III of chapter 53 applies.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 5333 of title 5, United States Code, is amended—

(A) in the section heading, by striking "; higher rates for supervisors of prevailing rate employees";

(B) in subsection (a), by striking "(a)"; and

(C) by striking subsection (b).

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by striking the item relating to section 5333 and inserting the following:

"5333. Minimum rate for new appointments.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. BUDGET ACT COMPLIANCE.

For purposes of the Congressional Budget Act of 1974, any authority to make payments under this Act or any amendment made by this Act shall be effective only to the extent provided for in advance in appropriation Acts.

SEC. 302. INTERIM GEOGRAPHIC ADJUSTMENTS.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "area" means any consolidated metropolitan statistical area, primary metropolitan statistical area, or metropolitan statistical area, with at least 5,000 General Schedule employees; and

(2) the term "pay relative" shall have the meaning given such term under regulations prescribed by the Bureau of Labor Statistics.

(b) AUTHORITY.—(1) The President may establish geographic adjustments of up to 8 percent of basic pay which may be paid to each General Schedule employee (including an employee covered by the performance management and recognition system) whose duty station is within any area where such adjustment is needed (as determined under paragraph (2)).

(2) In determining areas where an interim geographic adjustment is needed, the President shall consider available evidence of significant pay disparities, including BLS information on pay relatives and relevant commercial surveys, and recruitment or retention problems.

(c) ADMINISTRATION.—(1) An adjustment under this section shall be administered, to the extent practicable, in the same manner as locality-based comparability payments under subchapter I of chapter 53 of title 5, United States Code (as amended by this Act), including in terms of—

(A) the basic pay to which a percentage is applied in computing an amount payable under this section;

(B) the purposes for which any amount under this section is to be considered part of basic pay;

(C) the time and manner in which amounts under this section are to be paid (including any maximum rate limitation); and

(D) the authority of the President, upon request of an agency head, to extend this section to employees who would not otherwise be covered.

(2) No amount payable under this section shall be taken into account in any survey or computation under, or for any other purpose in the administration of, section 5304 of title 5, United States Code (as so amended).

(c) COMMENCEMENT AND TERMINATION RULES.—(1) The effective date of an adjustment under this section shall be as determined by the President, but not later than January 1, 1994.

(2)(A) The size of any payments under this section may be reduced or terminated after the amendments made by section 101 of this Act take effect, except that the reduction or termination of a payment under this section may not have the effect of reducing, for the individual involved, the total rate at which additional forms of basic pay (as defined in subparagraph (B)) are payable to such individual.

(B) The total rate to which subparagraph (A) applies is the sum of—

(i) the rate at which comparability payments (under section 5304 of title 5, United States Code, as amended by such Act) are payable; and

(ii) the rate at which payments under this section are payable.

(d) EMPLOYEES RECEIVING SPECIAL PAY RATES.—The President (or his designated agent) shall determine what, if any, geographic adjustment shall be payable under this section in the case of an employee whose rate of pay is fixed under section 5303 of title 5, United States Code, as in effect before the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 303. PAY RATES FOR CURRENT EMPLOYEES.

Nothing in this Act or in any amendment made by this Act shall have the effect of diminishing the rate of basic pay payable to any individual employed by the United States on the date of the enactment of this Act to a rate below the rate payable to such individual on such date, so long as that individual continues in such position without a break in service.

SEC. 304. SENIOR BIOMEDICAL RESEARCH SERVICE.

(a) IN GENERAL.—Title II of the Public Health Service Act is amended by adding at the end the following:

"SENIOR BIOMEDICAL RESEARCH SERVICE

"SEC. 228. (a) There shall be in the Public Health Service a Senior Biomedical Research Service (hereinafter in this section referred to as the 'Service'), not to exceed 350 members at any time.

"(b) The Service shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, regarding appointment, and shall consist of individuals outstanding in the field of biomedical research or clinical research evaluation. No individual may be appointed to the Service unless such individual (1) has earned a doctoral level degree in biomedicine or a related field, and (2) meets the qualification standards prescribed by the Office of Personnel Management for appointment to a position at GS–15 of the General Schedule. Notwithstanding any previous applicability to an individual who is a member of the Service, the provisions of subchapter I of chapter 35 (relating to retention preference), chapter 43 (relating to performance appraisal and performance actions), chapter 51 (relating to classification), subchapter III of chapter 53 (relating to General Schedule pay rates), and chapter 75 (relating to adverse actions) of title 5, United States Code, shall not apply to any member of the Service.

"(c) The Secretary shall develop a performance appraisal system designed to—

"(1) provide for the systematic appraisal of the performance of members, and

"(2) encourage excellence in performance by members.

"(d)(1) The Secretary shall determine, subject to the provisions of this subsection, the pay of members of the Service.

"(2) The pay of a member of the Service shall not be less than the minimum rate payable for GS-15 of the General Schedule and shall not exceed the rate payable for level I of the Executive Schedule unless approved by the President under section 5377(d)(2) of title 5, United States Code.

"(e) The Secretary may, upon the request of a member who—

"(1) performed service in the employ of an institution of higher education immediately prior to his appointment as a member of the Service, and

"(2) retains the right to continue to make contributions to the retirement system of such institution,

contribute an amount not to exceed 10 percent per annum of the member's basic pay to such institution's retirement system on behalf of such member. A member who requests that such contribution be made shall not be covered by, or earn service credit under, any retirement system established for employees of the United States under title 5, United States Code, but such service shall be creditable for determining years of service under section 6303(a) of such title.

"(f) Subject to the following sentence, the Secretary may, notwithstanding the provisions of title 5, United States Code, regarding appointment, appoint an individual who is separated from the Service involuntarily and without cause to a position in the competitive civil service at GS-15 of the General Schedule, and such appointment shall be a career appointment. In the case of such an individual who immediately prior to his appointment to the Service was not a career appointee in the civil service or the Senior Executive Service, such appointment shall be in the excepted civil service and may not exceed a period of 2 years.

"(g) The Secretary shall promulgate such rules and regulations, not inconsistent with this section, as may be necessary for the efficient administration of the Service.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 211(d) of the Public Health Service Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof a new paragraph as follows:

"(4) service performed as a member of the Senior Biomedical Research Service established by section 228, except that, if there are more than 5 years of such service, only the last 5 years thereof may be included.".

(c) EFFECTIVE DATE.—Except as otherwise provided, the provisions of this section shall be effective on the 90th day following the date of the enactment of this Act.

SEC. 305. EFFECTIVE DATE.

(a) GENERALLY.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on such

date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after the date of enactment of this Act.

(b) SPECIAL RULE.—The first calendar year in which comparability payments under section 5304 of title 5, United States Code (as amended by this Act) are paid shall be the calendar year beginning on January 1, 1994.

SEC. 306. ADDITIONAL RULE OF CONSTRUCTION.

Notwithstanding section 1(b), a reference in any of the preceding provisions of this title to "this Act" (other than a reference in section 301) shall not be considered to include any provision of title IV.

TITLE IV—FEDERAL LAW ENFORCEMENT PAY REFORM

SEC. 401. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Pay Reform Act of 1990".

SEC. 402. DEFINITION.

For the purposes of this title, except as otherwise provided, the term 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) of title 5, United States Code, with respect to whom the provisions of chapter 51 of such title apply.

SEC. 403. SPECIAL RATES FOR LAW ENFORCEMENT OFFICERS.

(a) Notwithstanding the procedures of section 5305 of title 5, United States Code, as amended by section 101 of this Act, or similar provision of law, higher minimum rates and corresponding increases in all step rates of each designated General Schedule grade shall be established for law enforcement officers in accordance with the provisions of this section.

(b)(1) Effective on the first day of the first applicable pay period beginning on or after January 1, 1992, the higher minimum rates to be established are as follows:

GS–3	*Step 4*
GS–4	*Step 4*
GS–5	*Step 4*
GS–6	*Step 3*
GS–7	*Step 3*
GS–8	*Step 3*
GS–9	*Step 2*
GS–10	*Step 2*

(2) Effective on the first day of the first applicable pay period beginning on or after January 1, 1993, the higher minimum rates to be established are as follows:

GS–3	*Step 7*
GS–4	*Step 7*
GS–5	*Step 8*
GS–6	*Step 6*
GS–7	*Step 5*
GS–8	*Step 3*
GS–9	*Step 2*
GS–10	*Step 2*

(c) The higher minimum rates and corresponding higher rates for each step rate of each designated grade shall apply to every law en-

forcement officer in the designated grades (except in the case of any law enforcement officer for whom a higher rate is authorized under section 5305 of title 5, United States Code, as amended by section 101 of this Act, or similar provision of law) in the same manner as rates established under section 5305 of such title, as so amended, and may be increased in accordance with subsection (f) of such section 5305.

(d) Any interim entry-level adjustment under section 303 of this Act which a law enforcement officer is receiving shall be eliminated on the day before the effective date of the higher minimum rates under subsection (b)(1).

SEC. 404. SPECIAL PAY ADJUSTMENTS FOR LAW ENFORCEMENT OFFICERS IN SELECTED CITIES.

(a) A law enforcement officer shall be paid any applicable special pay adjustment in accordance with the provisions of this section, but such special pay adjustment shall be reduced by the amount of any applicable interim geographic adjustment under section 302 of this Act, any applicable locality-based comparability payment under section 5304 of title 5, United States Code, as amended by section 101 of this Act, and any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law.

(b) Except as provided in subsection (a), effective on the first day of the first applicable pay period beginning on or after January 1, 1992, each law enforcement officer whose post of duty is in one of the following areas shall receive an adjustment, which shall be a percentage of the officer's rate of basic pay, as follows:

Area	*Differential Percent*
Boston-Lawrence-Salem, MA-NH Consolidated Metropolitan Statistical Area	*16*
Chicago-Gary-Lake County, IL-IN-WI Consolidated Metropolitan Statistical Area	*4*
Los Angeles-Anaheim-Riverside, CA Consolidated Metropolitan Statistical Area	*16*
New York-Northern New Jersey-Long Island, NY-NJ-CT Consolidated Metropolitan Statistical Area	*16*
Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	*4*
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	*16*
San Diego, CA Metropolitan Statistical Area	*8*
Washington, DC-MD-VA Metropolitan Statistical Area	*4*

(c)(1) A special pay adjustment under this section shall be administered, to the extent practicable, in the same manner as a locality-based comparability payment under section 5304 of title 5, United States Code, as amended by section 101 of this Act, and shall be considered part of basic pay to the same degree as such a locality-based comparability payment.

(2) The Office of Personnel Management may prescribe such regulations as it considers necessary concerning the payment of special pay adjustments to law enforcement officers under this section.

SEC. 405. SAME BENEFITS FOR OTHER LAW ENFORCEMENT OFFICERS.

(a) The appropriate agency head (as defined in subsection (c)) shall prescribe regulations under which the purposes of sections 403 and 404 shall be carried out with respect to individuals holding positions described in subsection (b).

(b) This subsection applies with respect to any—

(1) member of the United States Secret Service Uniformed Division;

(2) member of the United States Park Police;

(3) special agent within the Diplomatic Security Service;

(4) probation officer (referred to in section 3672 of title 18, United States Code); or

(5) pretrial services officer (referred to in section 3153 of title 18, United States Code).

(c) For the purposes of this section, the term "appropriate agency head" means—

(1) with respect to any individual under subsection (b)(1), the Secretary of the Treasury;

(2) with respect to any individual under subsection (b)(2), the Secretary of the Interior;

(3) with respect to any individual under subsection (b)(3), the Secretary of State;

(4) with respect to any individual under subsection (b)(4) or (b)(5), the Director of the Administrative Office of the United States Courts.

SEC. 406. FBI NEW YORK FIELD DIVISION.

Notwithstanding section 601(a)(2) of Public Law 100–453, as amended, the Office of Personnel Management shall reduce the rate of periodic payments under such section as the provisions of this Act are implemented, provided that no such reduction results in a reduction of the total pay for any employee of the New York Field Division of the Federal Bureau of Investigation. Notwithstanding such section 601(a)(2), the Office of Personnel Management may make such periodic payments inapplicable to employees newly appointed to, or transferred to, the New York Field Division on or after January 1, 1992.

SEC. 407. RELOCATION PAYMENTS.

Notwithstanding section 5753(b)(1)(A) of title 5, United States Code, as added by this Act, a law enforcement officer whose rate of basic pay is less than $60,000 may receive a relocation payment of up to $15,000 under section 5753.

SEC. 408. INCENTIVE BONUS FOR FOREIGN LANGUAGE CAPABILITIES.

(a) Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARD TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"§ 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"§ 4522. General provision

"An award under this subchapter is in addition to the basic pay of the recipient.

"§ 4523. Award authority

"(a) An agency may pay a cash award, up to 5 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more foreign languages in the performance of official duties.

"(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsection shall include—

"(1) procedures under which foreign language proficiency shall be ascertained;

"(2) criteria for the selection of individuals for recognition under this section; and

"(3) any other provisions which may be necessary to carry out the purposes of this subchapter.".

(b) The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"4521. Definition.
"4522. General provision.
"4523. Award authority.".

(c) Section 6401 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4370) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by adding at the end the following:

"(b) LIMITATION.—The provisions of this section shall apply only to an employee who has received a bonus under this section before January 1, 1992. The provisions of subchapter III of chapter 45 of title 5, United States Code, shall apply to any employee who would otherwise be eligible to receive a bonus under this section, on and after such date.".

(d) The amendments made by this section shall be effective on January 1, 1992.

SEC. 409. AGE FOR MANDATORY RETIREMENT.

(a) Section 8335(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "law enforcement officer or a"; and

(2) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which that officer becomes 57 years of age or completes 20 years of service if then over that age.".

(b) Section 8425(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "law enforcement officer or" each place it appears; and

(2) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which that law enforcement

officer becomes 57 years of age or completes 20 years of service if then over that age.".

(c) For the purposes of this section, the effective date shall be the date of enactment of this Act.

SEC. 410. OVERTIME RATES.

(a) Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding paragraph (2) of this subsection, for an employee who is a law enforcement officer (within the meaning of section 8331(20) or 8401(17)), and whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS–10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law), the overtime hourly rate of pay is an amount equal to the greater of—

"(A) one and one-half times the minimum hourly rate of basic pay for GS–10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the hourly rate of basic pay of the employee,

and all that amount is premium pay.".

(b) Section 5547 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) Subsections (a) and (b) shall not apply to a law enforcement officer.

"(2) A law enforcement officer may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) only to the extent that the payment does not cause the officer's aggregate rate of pay for any pay period to exceed the lesser of—

"(A) 150 percent of the minimum rate payable for GS–15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the rate payable for level V of the Executive Schedule.

"(3) For the purposes of this subsection, 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17).".

SEC. 411. OTHER PREMIUM PAY.

(a) Section 5541(2)(iv) of title 5, United States Code, is amended to read as follows:

"(iv) a member of—

"(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

"(II) a member of the United States Secret Service Uniformed Division, a member of the United States Park Police, other than for purposes of section 5545(a) and 5546;".

(b) The amendment made by this section shall be effective on January 1, 1992.

SEC. 412. REPORTING REQUIREMENT.

Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan.; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 632. CONVENTION ON THE RIGHTS OF THE CHILD.—(a) FINDINGS.—The Senate finds that—

(1) the future peace and prosperity of all nations depend upon the good health and well-being of the worlds children;

(2) the Congress has long recognized the vulnerability of children and has enacted numerous laws that afford them special protections in this country;

(3) similar protections for children are either totally lacking or inadequately enforced in much of the world;

(4) in part as a result of this lack of protection, millions of children are threatened daily by poverty, malnutrition, homelessness, exploitation and abuse, depriving both family and society of their productivity and potential;

(5) the Child Survival and Development Revolution, launched in 1982 to attack the root causes of infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3,000,000 children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

(6) despite these gains and an emerging international consensus about the importance of protecting children, children both here and abroad will continue to face poverty, sickness, and ill-treatment;

(7) on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the Convention on the Rights of the Child and urged national governments to ratify the Convention and make possible its application as international law;

(8) this Convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

(9) the United States Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of this Convention; and

(10) the United States must continue playing a leading role in the implementation of the Convention to ensure that it becomes a force for improving the lot of children, both in this country and abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the issue of children's rights and their well-being is important both to

the United States and the world at large and that, in consideration thereof, the President should promptly seek the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child, adopted by the United Nations with the support of the United States on November 29, 1989.

DISCRETIONARY AUTHORITY PROVISION

SEC. 633. METHOD FOR MAKING ANNUAL ADJUSTMENTS TO PAY SCHEDULES IN FISCAL YEARS 1992, 1993, AND 1994.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 and any provision of law amended by such Act), for purposes of any adjustment scheduled to take effect under section 5303 of title 5, United States Code (as amended by section 101) during the period beginning on October 1, 1991, and ending on September 30, 1994, the provisions of section 5303 of such title (as so amended) shall be applied in accordance with the following:

(1) For purposes of the adjustment taking effect in each of fiscal years 1992 and 1993, respectively, deem subsection (a) to be amended by striking "one-half of 1 percentage point less than".

(2) Deem subsection (b) to be amended as follows:

(A) In paragraph (1), strike "If" and all that follows thereafter through "welfare," and insert "Subject to paragraph (2), if".

(B) Redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

(C) Insert after paragraph (1) the following:

"(2) Authority to provide alternative pay adjustments under this subsection in any year may not be exercised except in accordance with the following:

"(A) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be 5 percent or less, no reduction may be made unless necessary because a state of war or severe economic conditions exist.

"(B) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be greater than 5 percent, no reduction may be made—

"(i) to a level of 5 percent or greater, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or

"(ii) to a level of less than 5 percent, unless necesary because of either of the reasons set forth in subparagraph (A).".

(D) Add after paragraph (4) (as so designated by subparagraph (B) the following:

"(5) For the purpose of this subsection, 'severe economic conditions' shall be considered to exist relative to an adjustment scheduled to take effect on a given date if, during the 12-month period ending 2 calendar quarters before such date, there occurred 2 consecutive quarters of negative growth in the GNP.".

(b) REFERENCES.—Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability

Act of 1990 and any provision of law amended made by such Act), effective for purposes of any pay adjustment scheduled to take effect during the period described in subsection (a), any reference in a provision of law to section 5303 of title 5, United States Code, as amended by section 101 (or to the effective date of a pay adjustment, the size of an adjustment, a rate payable after an adjustment, or other related matter under such section 5303) shall be considered a reference to such section as applied in accordance with this section (or to the corresponding matter, as determined under such section 5303, as applied in accordance with this section).

SEC. 634. SPECIAL RULE RELATING TO COMPARABILITY PAYMENTS IN 1994.

Notwithstanding any other provision of law (including any provision of law amended by such Act), for purposes of any comparability payments scheduled to take effect under section 5304 of title 5, United States Code (as amended by such Act) during calendar year 1994—

(1) deem section 5304a of such title (as so amended) to be amended as follows:

(A) in subsection (a), strike "If" and all that follows thereafter through "welfare," and insert "Subject to subsection (c), if"; and

(B) add after subsection (b) the following:

"(c)(1) For the purpose of this section—

"(A) the 'threshold amount' is $1,800,000,000; and

"(B) 'severe economic conditions' shall be considered to exist relative to comparability payments scheduled to take effect on a given date if, during the 12-month period ending 2 calendar quarters before such date, there occurred 2 consecutive quarters of negative growth in the GNP.

"(2) Authority under this section to provide an alternative level of compatibility payments in any year may not be exercised except in accordance with the following:

"(A) If the estimated cost of the comparability payments which (but for this section) would otherwise be payable in such year would be equal to the threshold amount or less, no alternative level may be fixed under this section unless necessary because a state of war or severe economic conditions exist.

"(B) If the estimated cost of the comparability payments which (but for this section) would otherwise be payable in such year would be greater than the threshold amount, no alternative level may be fixed—

"(i) at a level which would result in an estimated cost equal to or greater than the threshold amount, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or

"(ii) at a level which would result in an estimated cost less than the threshold amount, unless necessary because of either of the reasons set forth in subparagraph (A).

"(d)(1) The President's agent (as referred to in section 5304(d)) shall develop and include in the appropriate report under section 5304(d)(1) the methodology for estimating any costs under this section, and any estimate under this section shall be in accordance with such methodology.

"(2) In making any estimate under this section, costs attributable to any authority under section 5304(h) may not be taken into account."; and

(2) the President's pay agent (referred to in section 5304(d) of such title, as so amended) may use appropriate estimates in lieu of BLS survey data if such data is not available for use in preparing the agent's report with respect to comparability payments payable during calendar year 1994.; and the Senate agrees to the same.

The committee of conference report in disagreement amendments numbered 1, 3, 6, 14, 16, 18, 20, 27, 29, 35, 36, 39, 40, 41, 42, 45, 46, 48, 49, 51, 52, 53, 54, 56, 57, 59, 69, 70, 76, 79, 80, 81, 82, 83, 84, 88, 89, 90, 103, 105, 113, 114, 115, 116, 117, 122, 127, 128, 130, 131, 132, and, 134.

EDWARD R. ROYBAL,
STENY H. HOYER,
BILL ALEXANDER,
JOSEPH D. EARLY,
MARTIN O. SABO,
JULIAN C. DIXON,
JAMIE L. WHITTEN,
JOE SKEEN,
BILL LOWERY,
FRANK R. WOLF,
SILVIO O. CONTE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
PETE V. DOMENICI,
ALFONSE D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5241) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1991, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate.

This amendment provides an appropriation of $63,883,000 to Departmental Offices as proposed by the Senate, instead of $63,083,000 as proposed by the House. It also mandates minimum funding and staffing levels for the Office of Foreign Assets Control.

INTERNATIONAL AFFAIRS

Amendment No. 2: Appropriates $29,717,000 for International Affairs as proposed by the Senate instead of $27,517,000 as proposed by the House.

FINANCIAL CRIMES ENFORCEMENT NETWORK

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; and not to exceed $3,000 for official reception and representation expenses; $16,488,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have established a separate account for the Financial Crimes Enforcement Network (FinCEN) beginning in fiscal year 1991 and have provided $16,488,000, an amount which is $300,000 over the President's budget estimate. This amount does not include costs for administrative services which the conferees expect the U.S. Customs Service to provide to FinCEN on a nonreimbursable basis in fiscal year 1991. For fiscal year 1992, however, the conferees direct the Center to request adequate funding in its budget to reimburse Customs for these services.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Amendment No. 4: Makes available $7,000 for official reception and representation expenses as proposed by the House instead of $5,000 as proposed by the Senate.

Amendment No. 5: Restores a provision proposed by the House and deleted by the Senate regarding private sector training at the Center. The conferees recognize that the Federal Law Enforcement Training Center (FLETC) utilizes private sector security expertise in several training areas, for example the Financial Fraud Institute, the Cargo Theft Training Program, and the Seaport Security Training Program. Involvement of private security officials provides a valuable resource for curriculum development, instructional assistance, networking, and advice on state-of-the art advances in technology, computer security, and telecommunications. In connection with this assistance, a limited number of private security officials participate in training conducted under the FLETC auspices. While recognizing the many benefits derived by FLETC and its agencies from this arrangement, the conferees caution FLETC to ensure that training provided to private security does not adversely impact Federal training. Training for private sector security officials will be done on a space available, reimbursable basis; however, the Director may exclude FLETC personnel salary and benefit costs with justification and notice to the House and Senate Committees on Appropriations.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amendment to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$40,265,000: Provided further, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 441 direct full-time equivalent positions for fiscal year 1991*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides for an appropriation of $40,265,000 for the Center and mandates a minimum employment level.

DRUG ENFORCEMENT ADMINISTRATION TRAINING REQUIREMENTS

The conferees understand that the Department of the Treasury and the Department of Justice are currently conducting a joint

study to determine the best means of meeting the training facility requirements of the Drug Enforcement Administration. The conferees request that this study be submitted to the House and Senate Committees on Appropriations for review when completed. Should this study conclude that the Drug Enforcement Administration's training requirements cannot be met at the existing training facility, the conferees urge the Administration to submit a request to the House and Senate Committees on Appropriations for prior approval.

Amendment No. 7: Appropriates $20,775,000 for acquisition, construction, improvements, and related expenses, instead of $18,735,000 as proposed by the House and $29,000,000 as proposed by the Senate.

The funding level recommended by the conferees will permit construction of the following projects in fiscal year 1991:

Glynco, Georgia:
- Firearms Training Expansion
- Renovation Bldg. 66
- Physical training expansion
- Student Center
- Vehicle Fueling and covered area
- Classroom building
- Information Systems Division computer complex
- Relocate Graphics/Media Center
- Renovation Bldg. 18
- Computer training renovation
- Road Improvements/Bus Shelters

Artesia, New Mexico:
- Practical exercise areas
- Recreation Areas
- Architect/Engineering services
- Walkways
- Dormitory

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Amendment No. 8: Establishes a limitation of six hundred fifty vehicles for the Bureau as proposed by the House instead of seven hundred fifty vehicles as proposed by the Senate.

Amendment No. 9: Makes available $10,000 for official reception and representation expenses as proposed by the Senate instead of $5,000 as proposed by the House.

Amendment No. 10: Appropriates $301,854,000 for salaries and expenses instead of $296,284,000 as proposed by the House and $305,704,000 as proposed by the Senate.

The conferees have provided total funding of $301,854,000 for the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1991. This amount is $26,570,000 above the budget estimate. Of this additional amount, $10,554,000 is made available for increased pay and administratively uncontrollable overtime costs; $8,008,000 for Project Achilles Task Forces; $1,450,000 for compliance firearms activities; $2,523,000 for Operation Alliance personnel; $1,860,000 for Project Uptown; $500,000 for the National Tracing Center; $619,000 for

qualification ammunition activities; and $1,055,000 for electronic interception activities.

The restoration for increased pay and administratively uncontrollable overtime costs will permit the Bureau of Alcohol, Tobacco and Firearms to fund an additional 220 full-time equivalent positions.

Amendment No. 11: Makes available $21,000,000 for enforcement of the Federal Alcohol Administration Act instead of $19,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

Amendment No. 12: Establishes a total minimum employment level of 4,073 positions instead of 3,984 positions as proposed by the House and 4,098 positions as proposed by the Senate.

Amendment No. 13: Establishes a minimum level of 1,037 positions for the Armed Career Criminal Apprehension Program as proposed by the Senate instead of 692 positions as proposed by the House.

U.S. Customs Service

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$1,135,961,000, of which $7,000,000 shall be for the Interagency Border Inspection System, and*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides for an appropriation of $1,135,961,000 for Salaries and expenses instead of $1,140,086,000 as proposed by the House and $1,141,725,000 as proposed by the Senate.

EXPRESS LANES AT U.S. BORDER CROSSINGS

The conferees are aware that the Customs Service is exploring a number of alternatives for reducing delays at U.S. land ports of entry. One of these alternatives includes a test project planned for Blaine, Washington for establishing express lanes for regular border travelers. The conferees support a complete examination of this concept and direct the Customs Service to keep the House and Senate Committees on Appropriations fully informed of progress on this issue and the potential for creating express lanes at other ports of entry on the northern and southern land borders. Customs should submit a report on its efforts to the House and Senate Committees on Appropriations by March 1, 1991.

CUSTOMS FORFEITURE FUND

The Customs Forfeiture Fund was created by section 213(a)(11) of the Trade and Tariff Act of 1984. In general, the Forfeiture Fund is available to Customs, subject to appropriation, "for payment, or for reimbursement to the appropriation from which payment was made, for—(A) all proper expenses of the seizure (including investigative costs incurred by the U.S. Customs Service leading to seizures) or the proceedings of forfeiture and sale . . ." (19 U.S.C. 1613b(a)(1)).

As originally enacted, it was not clear whether even investigative costs could be considered proper expenses of a seizure. An amendment to the Forfeiture Fund language (1613b(a)(1)(A)) more precisely describes the applicable expenses of seizure. The phrase "(including investigative costs leading to seizures)" was added by section 3142(a)(1)(B) of the Anti-Drug Abuse Act of 1986.

The legislative history of the Anti-Drug Abuse Act of 1986 indicated, in part, that while it "allows investigative costs leading up to seizures to be covered, the Committee does not intend for the Fund to be used to finance undercover operations." (H.R. Rep. No. 794, 99th Cong., 2nd Sess., 20 (1986)). This provision was intended to prohibit the use of the Forfeiture Fund to initiate undercover operations. The provision was not intended to prevent or prohibit the reimbursement of the Customs Service Salaries and expenses appropriation from the Forfeiture Fund for expenses associated with special operations, undercover operations, wire and electronic communications interception, interception of oral communications, or any other type of expenditure that is a result of any law enforced or administered by Customs if those costs are incurred in conjunction with a seizure and payable under the Forfeiture Fund statute.

Amendment No. 15: Restores a provision regarding the Equal Employment Opportunity Program proposed by the House and stricken by the Senate.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes a House proposed provision and inserts a Senate provision which provides for minimum staffing levels for certain activities and the Nogales Customs District.

Amendment No. 17: Restores a provision proposed by the House and stricken by the Senate. The provision mandates an increase in the number of Customs personnel in the Honolulu Customs District.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

: Provided further, That Customs shall increase by 10 number of full-time inspectors in the Charleston, South Carolina Customs District: Provided further, That Customs shall increase by 75 the number of full-time inspectors in the San Diego, California Customs District: Provided further, That the express designations of Customs positions provided for in this Act and in the accompanying House and Senate Reports shall only apply to positions in excess of those positions funded in Public Law 101-136, and shall not adversely impact staffing increases which are otherwise provided for in fiscal year 1991

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides for an additional 10 positions above existing staffing levels for the Charleston, South Carolina Customs District and an additional 75 positions above the existing staffing

level for San Diego, California. It also provides that the position designations shall not adversely impact staffing increases for other Customs Districts otherwise provided for in fiscal year 1991.

PORT OF ENTRY STATUS—HUENEME, CALIFORNIA

The conferees urge the U.S. Customs and the Los Angeles Customs District to continue to work closely with the Port Hueneme on the Port's application for port of entry status. The conferees understand the importance of the port of entry designation to the continuing growth of the Port and the economy of the region. The conferees ask the Commissioner to report to the House and Senate Committees on Appropriations within thirty days of enactment of this Act on the status of the appliction and the steps necessary for the Port to gain the designation.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

Amendment No. 19: Appropriates $110,347,000 for the Air Interdiction Program instead of $107,047,000 as proposed by the House and $114,347,000 as proposed by the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires that Customs commence advanced planning and procurement of long-lead items for an additional P-3 AEW aircraft.

AIR ASSETS

The conferees are aware of eleven aircraft in the possession of the Customs Service being used as support aircraft. A number of these aircraft have been modified for operational use; however, none have an operational capability at this time. Retrofitting these aircraft with forward looking infrared systems (FLIR) would increase the assets available for the air interdiction effort. Because these are propeller-driven, long-endurance aircraft, the overland application and usage could significantly contribute to the interdiction, identification and apprehension missions of the Customs Service.

Should the Customs Service identify excess funds in the Operation and maintenance account in fiscal year 1991, the Commissioner should give consideration to utilizing these funds for initiating a program to procure and retrofit these aircraft in fiscal year 1991.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Amendment No. 21: Restores a provision proposed by the House and stricken by the Senate regarding the reimbursement of Federal Reserve Banks.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Amendment No. 22: Appropriates $500,000 for Payment of Government Losses in Shipment as proposed by the Senate. The House provided no funding for this account.

INTERNAL REVENUE SERVICE

Amendment No. 23: Appropriates $142,279,000 for Administration and Management as proposed by the Senate instead of $136,072,000 as proposed by the House.

Amendment No. 24: Deletes a provision proposed by the House which would have established a training program for IRS employees. This provision is not required since IRS currently has such a program in operation.

Amendment No. 25: Appropriates $1,521,595,000 for Processing Tax Returns as proposed by the Senate instead of $1,444,517,000 as proposed by the House.

Amendment No. 26: Appropriates $3,501,119,000 for Tax Law Enforcement instead of $3,310,119,000 as proposed by the Senate and $3,560,484,000 as proposed by the House.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended as follows:

In lieu of the matter stricken by said amendment, insert the following:

: Provided, That additional amounts above fiscal year 1990 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code

The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

This amendment makes available additional funds for the establishment and operation of a task force for international tax enforcement activities involving U.S. subsidiaries of foreign-controlled corporations.

Amendment No. 28: Appropriates $942,932,000 for Information Systems instead of $993,927,000 as proposed by the House and $932,932,000 as proposed by the Senate. The amendment also deletes certain House proposed language regarding the availability of funds.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter inserted by said amendment, insert the following:

: Provided, That of the $247,878,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally-funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Internal Revenue Service to establish a federally-funded research and development center to assist with the development and evaluation of tax systems modernization.

IRS FACILITY REQUIREMENTS

The conferees are aware that the IRS collects almost $1 trillion in revenues each year. Nevertheless, the IRS estimates that approximately $95 billion remains uncollected due to the growth in the number of accounts receivable. The IRS, through its 70,000 enforcement personnel, successfully captures approximately $30 billion of the $95 billion that would otherwise remain uncollected each year.

One of the most effective means to curtail this growing problem is to ensure the modernization of the IRS' outmoded automated data processing systems and reduce the high-cost labor intensive activities currently conducted in the regional service centers of the IRS. The conferees understand that the IRS National Computer Center in West Virginia would be an integral component for such an upgrade. The conferees believe that the IRS should build upon the existing capability of the IRS National Computer Centers and, recognizing the increased computerization requirements of the IRS tax systems, conduct a study to determine the feasibility of locating future IRS operations in economically suitable areas, such as West Virginia. The conferees are agreed that such a study should be completed and submitted to the House and Senate Committees on Appropriations no later than March 15, 1991.

ADMINISTRATIVE PROVISIONS

INTERNAL REVENUE SERVICE

Amendment No. 30: Restores a center heading proposed by the House and deleted by the Senate.

Amendment No. 31: Establishes a transfer limitation of 4 percent as proposed by the Senate instead of 5 percent as proposed by the House.

Amendment No. 32: Deletes a provision proposed by the Senate regarding the transfer of funds for document matching.

U.S. SECRET SERVICE

Amendment No. 33: Appropriates $406,700,000 for Salaries and Expenses instead of $397,640,000 as proposed by the House and $412,740,000 as proposed by the Senate.

Amendment No. 34: Makes available $1,600,000 for renovation of the New York Field Office as proposed by the Senate instead of $3,200,000 as proposed by the House.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which increases the reimbursement for state and local law enforcement for Presidential protection assistance activities to $300,000 instead of $160,000 as proposed by the House.

TREASURY DEPARTMENT—GENERAL PROVISIONS

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which limits the transfer of funds provided in the Act.

Amendment No. 37: Deletes a provision proposed by the House regarding reimbursements to the Financial Management Service. This provision is permanent law.

TITLE II—UNITED STATES POSTAL SERVICE

Amendment No. 38: Appropriates $472,592,000 for payment to the Postal Service Fund instead of $484,592,000 as proposed by the House and $470,592,000 as proposed by the Senate.

FIRST CLASS MAIL

The conferees are aware that the Postal Service is implementing a program to realign the areas designated to receive 1-day and 2-day delivery of First-Class Mail. The conferees are concerned that this realignment should not lead to any substantial degradation in the quality or timeliness of service provided to First-Class Mail. Appropriate legislative and oversight committees have held hearings on this matter. The conferees strongly advise the Postal Service to take corrective action should the Postal Service's own service measurements disclose that the realignment of delivery standards is diminishing the quality of First-Class Mail service or having a significant adverse impact on affected communities.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment insert the following:

UNITED STATES POSTAL SERVICE

GENERAL PROVISIONS

SECTION 1. ELIMINATION OF SUBSIDIES FOR BULK THIRD-CLASS MAIL CONTAINING CERTAIN ADVERTISING MATTER.

(a) IN GENERAL.—Section 3626 of title 39, United States Code, is amended by adding at the end the following:

"(j)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail which advertises, promotes, offers, or, for a fee or consideration, recommends, describes, or announces the availability of—

"(A) any credit, debit, or charge card, or similar financial instrument or account, provided by or through an arrangement with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title;

"(B) any insurance policy, unless the organization which promotes the purchase of such policy is authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this

title, the policy is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of the organization, and the coverage provided by the policy is not generally otherwise commercially available; or

"(C) any travel arrangement, unless the organization which promotes the arrangement is authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title, the travel contributes substantially (aside from the cultivation of members, donors, or supporters, or the acquisition of income or funds) to one or more of the purposes which constitute the basis for the organization's authorization to mail at such rates, and the arrangement is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of the organization.

"(2) Matter shall not be excluded from being mailed at the rates for mail under former section 4452(b) or 4452a(c) of this title, by an organization authorized to mail those rates solely because—

"(A) such matter contains, but is not primarily devoted to, acknowledgements of organizations or individuals who have made donations to the authorized organization; or

"(B) Such matter contains, but is not primarily devoted to, references to and a response card or other instructions for making inquiries concerning services or benefits available as a result of membership in the authorized organization, provided that advertising, promotional, or application materials specifically concerning such services or benefits are not included.

"(3) Upon request, an organization authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title shall furnish evidence to the Postal Service concerning the eligibility of any of its mail matter or mailings to be sent at those rates.

"(k)(1) No person or organization shall mail, or cause to be mailed by contractual agreement or otherwise, at the rates for mail under former section 4452(b) or 4452(c) of this title, any matter to which those rates do not apply.

"(2) The Postal Service may assess a postage deficiency in the amount of the unpaid postage against any person or organization which violates paragraph (1) of this subsection. This assessment shall be deemed the final decision of the Postal Service, unless the party against whom the deficiency is assessed appeals it in writing within 30 days to the postmaster of the office where the mailing was entered. Such an appeal shall be considered by an official designated by the Postal Service, other than the postmaster of the office where the mailing was entered, who shall issue a decision as soon as practicable. This decision shall be deemed final unless the party against whom the deficiency was assessed appeals it in writing within 30 days to a further reviewing official designated by the Postal Service, who shall issue the final decision on the matter.

"(3) The Postal Service shall maintain procedures for the prompt collection of postage deficiencies arising from the violation of paragraph (1) of this subsection, and may in its discretion, following the issuance of a final decision regarding a deficiency under paragraph (2) of this subsection, deduct the amount of that deficiency incurred during the previous 12 months from any postage accounts or other monies of the violator in its possession.".

(b) CONFORMING AMENDMENT.—Section 2401(c) of title 39, United Staets Code, is amended by striking "3626(a)–(h)" and inserting "3626(a)–(h) and (j)–(k)".

(c) EFFECTIVE DATE.—The amendment enacted by this section shall become effective 90 days after the date of enactment of this Act.

SEC. 2. FOREBEARANCE REGARDING CERTAIN POSTAGE DEFICIENCIES.

(a) IN GENERAL.—The United States Postal Service may forbear from the collection of any postage deficiency assessed against an organization authorized to mail at the rates for mail under former section 4452(b) of title 39, United States Code, if the assessment of that deficiency arises from a violation of the cooperative mailing regulations of the Postal Service set forth at section 625.5 of the Domestic Mail Manual, and the Postal Service has made no determination that the organization knowingly or willfully violated such regulations. If any organization authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of title 39, United States Code, has paid on its own behalf all or part of a postage deficiency which the Postal Service would forbear from collecting under this section, the Postal Service may refund to that organization the amount which it has paid.

(b) EFFECTIVE DATE AND APPLICABILITY.—The provisions of this section shall become effective on the date of enactment of this Act, and shall apply to mailings which were sent on or between July 1, 1986, and the effective date of this section.

SEC. 3. Section 3626 of title 39, United States Code, as amended by the General Provisions of Title II, is further amended by adding at the end the following:

"(k) In the administration of this section, the term 'advertising', as used in former section 4358(j)(2) of this title, does not include the publisher's own advertising in a publication published by the official highway or development agency of a State.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment places certain restrictions on the use of subsidies for certain types of bulk third-class mail and authorizes the use of publisher's own advertising for certain second-class mail.

It is the conferees understanding and intent that the Postal Service fully collect all deficiencies against an organization found to have misused existing nonprofit rates unless that organization can show that the U.S. Postal Service itself was the cause for any misinformation or misdirection given an organization.

HORSESHOW BEND, ARKANSAS

The conferees instruct the Postal Service to investigate an initiative to establish a postal facility at Horseshoe Bend, Arkansas. This investigation shall consider the current quality of postal delivery service to the citizens of this community. The Postal Service is to report its findings to the House and Senate Committees on Appropriations by no later than March 31, 1991.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriate $25,410,000 for Salaries and Expenses instead of $24,910,000 as proposed by the House. This amendment also makes available until expended $500,000 for the White House Conference on Indian Education.

Executive Residence at the White House

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available until expended $1,202,000 for certain repairs at the Executive Residence.

National Critical Materials Council

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriates $400,000 for the Council instead of $235,000 as proposed by the House. The amendment also mandates a minimum staffing level.

National Security Council

Amendment No. 43: Deletes a provision proposed by the House which would have made available $2,000 for official reception and representation expenses.

Office of Management and Budget

Amendment No. 44: Appropriates $48,343,000 for Salaries and Expenses as proposed by the Senate instead of $49,305,000 as proposed by the House.

The conferees are aware that fiscal year 1990 funds were used to purchase equipment for activities for which funds were requested in the fiscal year 1991 budget. Because the activity for which the funds were expended is a multiyear effort, the request was not reduced. The conferees expect a report on the overall status of the Budget and Financial Information System project and how the $1,000,000 not reduced will be used to continue the acceleration of the project.

Office of National Drug Control Policy

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$99,000,000 of which $82,000,000 shall be available for drug control activities which are consistent with the*

approved strategy for each of the designated High Intensity Drug Trafficking Areas: Provided, That of the $82,000,000 made available, $50,000,000 shall be transferred to Federal agencies and departments for implementing approved stragegies and shall be obligated by the end of fiscal year 1991: Provided further, That of the $82,000,000, not less than $32,000,000 shall be transferred to the Department of Justice and the Department of the Treasury for disbursement of State and local entities for drug control activities which are consistent with the approved strategy for each designated High Intensity Drug Trafficking Area: Provided further, That in the case of the Southwest Border High Intensity Drug Trafficking Area such funds shall be available only for drug control activities which are consistent with the approved strategy and approved by the Drug Advisory Board of the affected State: Provided further,

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

HIGH INTENSITY DRUG TRAFFICKING AREAS

The conferees have provided $82,000,000 for anti-drug activities in designated High Intensity Drug Trafficking Areas (HIDTAs). Of this amount, $32,000,000 has been specifically set aside for disbursement to state and local entities for implementing those activities which are consistent with the formal strategy for each HIDTA. These funds shall be transferred to the Department of Justice and the Department of the Treasury coordinators for disbursement to state and local entites. In the case of the Southwest border HIDTA, these funds shall be used only for those activities which are approved by the Drug Advisory Board of each state.

The conferees are concerned about the lack of state and local input into the development of the HIDTA strategies. In the case of the Southwest Border, the conferees have learned that while state and local representatives were invited to attend planning sessions for the formulation of the HIDTA strategy, in fact, none of the comments and/or recommendations made by these officials were included in the actual strategy approved for fiscal year 1990. Since 90 percent of all drug-related arrests along the border are made by state and local officials, each HIDTA strategy must contain the input of state and local officials on the most effective means of reducing illegal drug use and trafficking. The conferees expect the situation to be corrected in the formulation of the fiscal year 1991 strategies. The Director of the Office of National Drug Control Policy should take steps to improve efforts to seek the involvement of state and local drug control entities. The conferees expect each of the respective coordinators to include in the strategies for future years the recommendations made by the state and local drug control officials.

COUNTER NARCOTICS TECHNOLOGY ASSESSMENT CENTER

The conferees have provided an additional $500,000 for the Office of National Drug Control Policy (ONDCP) for fiscal year 1991. The conferees believe the establishment of a Counter Narcotics Technology Assessment Center within the Office of National Drug Control Policy would greatly improve the coordination of Federal drug

control agency research and development efforts. If authorized, the conferees expect the Director of ONDCP to utilize the additional $500,000 provided to establish this office.

SPECIAL FORFEITURE FUND

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For activities authorized by Public Law 100-690, $46,000,000 to be derived from deposits in the Special Forefeiture Fund; of which $4,548,000 shall be transferred to Federal Bureau of Investigation, "Salaries and expenses"; of which $2,637,000 shall be transferred to Immigration and Naturalization Service, "Salaries and expenses"; of which $6,941,000 shall be transferred to Interagency Law Enforcement, "Organized Crime Drug Enforcement"; of which $18,884,000 shall be transferred to United States Customs Service, "Salaries and expenses"; of which $3,856,000 shall be transferred to Bureau of Alcohol, Tobacco and Firearms, "Salaries and expenses"; of which $3,059,000 shall be transferred to Internal Revenue Service, "Tax law enforcement"; of which $91,000 shall be transferred to Secret Service, "Salaries and expenses"; of which $4,984,000 shall remain available until expended for automated data processing enhancements at the El Paso Intelligence Center; and of which $1,000,000 shall remain available until expended to implement section 7604 of Public Law 100-690, the National Commission on Measured Responses to Achieve a Drug-Free America by 1995 Authorization Act: Provided, That amounts transferred under this heading shall be used for salaries and expenses of drug enforcement personnel.

OFFICE OF NATIONAL DRUG CONTROL POLICY

GENERAL PROVISION

SECTION 1. Section 524(c)(9) of title 28, United States Code is amended by deleting the second sentence and inserting the following: "For each of fiscal years 1991, 1992, and 1993, the Attorney General shall transfer not to exceed $150,000,000 in unobligated amounts available in the Fund to the Special Forfeiture Fund: Provided, That such amounts will be transferred on a quarterly basis: Provided further, That, upon each transfer, not to exceed $15,000,000, or, if determined by the Attorney General to be necessary to meet forfeiture program expenses, an amount not to exceed one-tenth of the previous year's obligations shall be retained in the Fund and remain available for payment of authorized expenses: Provided further, That, any unobligated amounts in excess of $150,000,000 shall remain on deposit in the Fund.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment inserts a provision which appropriates $46,000,000 for specified purposes and provides for the quarterly

transfers of unobligated balances from the Department of Justice Assets Forfeiture Fund into the Special Forfeiture Fund.

The conferees recognize the need and importance of strategic and tactical intelligence in aggressively and effectively pursuing our national anti-drug efforts. The conferees believe developing effective methods of utilizing existing intelligence and newly-acquired intelligence is a critical component of our ability to wage a successful war on drugs and should be a priority of the Office of National Drug Control Policy. The conferees request the Director of the ONDCP to submit a plan to maximize the coordination, gathering and dissemination of law enforcement, intelligence community and military intelligence information, consistent with legal, policy, and security considerations. To prevent against duplication of effort and resources, the plan should include the utilization of existing resources and intelligence facilities. The conferees expect this report to be submitted to the House and Senate Committees on Appropriations no later than March 1, 1991.

TITLE IV—INDEPENDENT AGENCIES

Federal Election Commission

Amendment No. 47: Restores a provision proposed by the House and deleted by the Senate which makes available $5,000 for official reception and representation expenses.

General Services Administration

FEDERAL BUILDINGS FUND LIMITATION ON AVAILABILITY OF REVENUE

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $1,645,733,000 to be deposited into said Fund. The revenues and collections deposited into said Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or serving buildings and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for*

such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,268,651,800 of which (1) not to exceed $1,460,678,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Arizona:

Flagstaff, a grant to Northern Arizona University, Southwest Forestry Science Complex, $4,500,000

California:

East Los Angeles, a grant to California State University, $350,000

Los Angeles, a grant to the Japanese American National Museum, $39,000

Los Angeles, a grant to Marymount Loyola University, $4,000,000

Menlo Park, U.S. Geological Survey, Laboratory Building A, $22,000,000

Sacramento, John E. Moss Federal Building U.S. Courthouse, Extension, $5,801,000

San Diego, a grant to Children's Hospital, $1,750,000

Colorado:

Denver, a grant to the National Research Center for Environmental Lung Disease, $1,000,000

District of Columbia:

A grant to the American Indian Higher Education Consortium, $1,908,000

A grant to the D.C. Children's National Medical Center, $1,750,000

Federal Bureau of Investigation, Field Office, $37,800,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Department of Transportation, Headquarters, site, $50,000,000: Provided, That such funds shall be obligated only upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works

Southeast Federal Center, $88,000,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works

Florida:

Miami, a grant to Mt. Sinai Medical Center, $1,750,000

Georgia:

Athens, a grant to University of Georgia, Dean Rusk Center for International and Comparative Law, $1,000,000

Augusta, U.S. Courthouse, $353,000

Idaho:

Moscow, a grant to University of Idaho, Environmental Laboratory, $5,800,000

Illinois:

Chicago, John C. Kluczynski Federal Building, Claim, $455,000

Iowa:

Ames, a grant to Iowa State University, Midwest Supercomputer Access Center, $2,200,000

Kansas:

Kansas City, Federal Building U.S. Courthouse, $29,475,000

Pittsburg, a grant to Pittsburg State University, School of Technology Complex, $5,000,000

Louisiana:

Shreveport, Federal Building and U.S. Courthouse, $24,669,000

Maryland:

Baltimore, a grant for planning and design of Christopher Columbus Center on Marine Research and Exploration, $4,000,000

College Park, a grant to the University of Maryland for superconducting materials research, $1,375,000

Prince Georges County, Internal Revenue Service, $206,502,000

Prince Georges County, U.S. Courthouse, $21,883,000

Massachusetts:

Boston, Federal Building U.S. Courthouse, $184,200,000

Waltham, a grant to establish and construct a National Center for Complex Systems at Brandeis University, $4,000,000

Woods Hole, a grant for the continued development of the Marine Biomedical Institute for Advanced Studies, $4,750,000

Michigan:

Houghton, a grant to Michigan Technological University for construction of a center for applied metallurgical, minerals, and materials research, $1,750,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $68,772,000

Montana:

Great Falls, a grant to the McLaughlin Research Institute for Biomedical Sciences, $5,000,000

Nebraska:

Lincoln, a grant to University of Nebraska, George W. Beadle Center for Genetic and Biomaterials Research, $4,500,000

Omaha, a grant to Creighton University, Criss Research Building, $2,000,000

Nevada:

Carson City, Federal Building–Post Office, parking construction, $50,000

New Jersey:

Camden, Post Office and Courthouse Annex, escalation, $8,903,000

New Mexico:

Alamogordo, a grant to the Primate Research Institute, Site and Facilities, to be constructed on a site leased from the United States Air Force at Holloman Air Force Base, $4,000,000

Albuquerque, a grant to Sandia National Laboratory for research in environmentally conscious manufacturing, $3,000,000

New York:

New York, a grant to Columbia University, Center for Disease Prevention, $1,000,000

Rochester, a grant to Rochester Institute of Technology for a strategic materials research center, $1,750,00

White Plains, Courthouse, $26,350,000

Oregon:

Portland, Courthouse Annex, $33,320,000

Pennsylvania:

Philadelphia, a grant to the Philadelphia Urban League for the administration of a community-based drug prevention program, $778,000

Wilkes-Barre, Social Security Administration Data Operations Center, escalation, $11,905,000

Tennessee:

Knoxville, U.S. Courthouse-Post Office, $3,431,000

Texas:

College Station, a grant to Texas A&M University for the establishment of the Institute for National Drug Abatement Research at the Texas Engineering Experiment Station, $1,000,000

El Paso, a grant to the University of Texas, $1,750,000

Virginia:

Alexandria, U.S. Courthouse, $58,202,000

Northern Virginia, Naval Systems Commands, $273,000,000

West Virginia:

Charleston, Federal Building U.S. Courthouse, $80,407,000

Nonprospectus construction projects, $5,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides funding for the construction of Federal buildings and the awarding of certain grants.

GUS J. SOLOMON U.S. COURTHOUSE ANNEX

It is the position of the conferees that the parking facilities currently used by an entity located at the southeast corner of block 184 as indicated on the City of Portland map 3029.5 represents a unique situation affecting the planned expansion of the Gus J. Solomon Courthouse in Portland, Oregon. The conferees understand the concerns of the prospective tenants of the new annex. However, the deprivation of the existing parking facilities would significantly

impact the adjoining entity. The conferees strongly urge the General Services Administration to work out a solution to this problem which is mutually acceptable to the parties involved.

The conferees are concerned that the progress toward completion of the annex continue apace, and should not be adversely impacted in anyway by the aforementioned discussions. Further, it is the opinon of the conferees that this is a unique situation and, therefore, should in no way be construed as establishing a precedent for future action by the General Services Administration.

SHREVEPORT FEDERAL COURTHOUSE

The conferees urge GSA to begin planning for construction of a new federal courthouse for the City of Shreveport, Louisiana. It is the understanding of the conferees that federal agencies unrelated to the operations of the federal court will not be housed in the new facility, but remain in the existing federal building being used in downtown Shreveport, Lousiana.

INTERNATIONAL CULTURAL AND TRADE CENTER

The conferees request the Administrator of General Services to consider providing support to the International Cultural and Trade Center project, within existing funds, not to exceed $1,000,000, for fiscal year 1991.

NAVY CONSOLIDATION

The conferees recommend, subject to the usual prospectus approval process, a project to consolidate the Naval Systems Command in 2.0 million square feet of space in northern Virgnia. An appropriation to the Federal Building fund of $273,000,000 for the first phase of 1.0 million square feet is approved for fiscal year 1991. The conferees understand and concur in the GSA/Navy plan to acquire the additional 1.0 million square feet to complete this consolidation through contractual arrangements which will permit the government to enter into a long-term lease with options for ownership

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$790,251,800*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $790,251,800 for repairs and alterations instead of $579,710,000 as proposed by the House and $780,251,800 as proposed by the Senate.

This amendment makes available funds from the Federal Buildings Fund for certain repair and alteration projects.

Amendment No. 50: Deletes funding for the Calexico and the Otay Mesa border facilities, as proposes by the Senate. These projects are funded in Amendment No. 53.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate. This amendment inserts funding for the National Building Museum Pension Building proposed by the Senate. No funding was included by the House for this project.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

Maryland:

Avondale, Federal Executive Training Center, $10,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Deletes funding for the Ysleta Border Station in El Paso as proposed by the Senate and provides funding for the Federal Executive Training Center in Avondale, Maryland.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment provides $211,659,800 for capital improvements of United States-Mexico Border Facilities.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$272,777,000, including $1,600,000 for Building No. 6, World Trade Center, New York, New York*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides $1,600,000 for repair of the Secret Service New York City Field Office. It deletes a provision proposed by the Senate regarding reprogramming of funds.

Amendment No. 55: Deletes a technical change inserted by the Senate.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$1,473,804,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides for limitation on funds available for Rental of Space of $1,473,804,000 instead of $1,506,300,000 as proposed by the House and $1,505,497,000 as proposed by the Senate.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$247,665,000 for design and construction services of which $5,500,000 shall be available for payment to a public*

entity in fiscal year 1991 to house the Bureau of Mines, the United States Geological Survey and National Weather Service in Tucson, Arizona, such location to be designated by the housed agencies and such agencies are to be housed rent free, exclusive of operating expenses, in such location;

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $5,500,000 for payment to a public entity in Tucson, Arizona to house certain Federal agencies.

Amendment No. 58: Restores a provision proposed by the House and deleted by the Senate which makes available funding for the preliminary design of a facility for the Center for Disease Control.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which excepts certain Federal projects from prospectus approval.

Amendment No. 60: Establishes a total limitation of $5,268,651,800 for the Federal Buildings Fund instead of $5,279,209,000 as proposed by the House and $5,099,606,800 as proposed by the Senate.

FEDERAL SUPPLY SERVICE

Amendment No. 61: Appropriates $53,957,000 for Salaries and Expenses as proposed by the House instead of $52,243,000 as proposed by the Senate.

FEDERAL PROPERTY RESOURCES SERVICE

Amendment No. 62: Appropriates $13,386,000 for for operating expenses as proposed by the House instead of $12,798,000 as proposed by the Senate.

REAL PROPERTY RELOCATION

Amendment No. 63: Restores a provision proposed by the House and stricken by the Senate which makes available $2,500,000 for the relocation of a United States Fish and Wildlife Service regional office.

This amendment earmarks $2,500,000 from funds appropriated for Real Property Relocation for the expenses associated with the relocation of the U.S. Fish and Wildlife Service regional office. Last year, the Congress authorized and directed the General Services Administration to relocate the Region Five office of the U.S. Fish and Wildlife Service. In addition to the amount provided by section 11(b) of title IV of Public Law 101-136, $2,500,000 is provided for costs associated with this relocation, including telecommunication costs and other expenses related to the relocation. The General Services Administration shall make these funds available to the Fish and Wildlife Service as soon as they are required.

GENERAL MANAGEMENT AND ADMINISTRATION

Amendment No. 64: Restores a provision proposed by the House and stricken by the Senate and deletes language proposed by the Senate. Appropriates $35,100,000 for Salaries and Expenses as pro-

posed by the House instead of $91,455,000 as proposed by the Senate.

INFORMATION RESOURCES MANAGEMENT SERVICE

Amendment No. 65: Appropriates $39,961,000 for Operating Expenses as proposed by the House instead of $39,268,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

Amendment No. 66: Appropriates $30,997,000 for Salaries and Expenses as proposed by the House instead of $30,139,000 as proposed by the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

Amendment No. 67: Appropriates $1,964,000 for Allowances and Office Staff as proposed by the Senate instead of $1,808,000 as proposed by the House.

General Services Administration

GENERAL PROVISIONS

Amendment No. 68: Deletes a provision proposed by the House and stricken by the Senate regarding the payment of rent under certain circumstances. This language has already become permanent law.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Sec. 5. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer to the General Services Administration, without consideration, that parcel of land known as the Avondale site comprising approximately 17.8 acres of land located at 4900 LaSalle Road in the Avondale section of Prince Georges County, Maryland, together with any improvements, structures and fixtures located thereon: Provided, That the Administrator of General Services after consultation with the Office of Personnel Management shall provide for such design and alterations to the structures and fixtures located thereon, as may be required, to prepare the site for use as a training and seminar center: Provided further, That upon completion of such alterations the Administrator of General Services shall make the property available to the Director of the Office of Personnel Management for use as a Federal Executive Training Center (Center) and shall delegate to the Director of the Office of Personnel Management any authority necessary to operate the Center: Provided, further, That the Administrator of General Services is authorized and directed to charge the Office of Personnel Management, at the time of the delegation, and for a period of not to exceed five additional years at rates equal to the net revenue generated by operation of the Center in each of such years, and that such rates may be less, but not more than, those rates provided for under Section 210(J) of the Federal Property and Administrative Services Act of 1949, as amended: Provided further, That the Gener-

al Services Administration and the Office of Personnel Management shall negotiate annual rates in subsequent years that will, in the aggregate, including the rates and operating costs charged in the first five years and the recovery of the costs of the alterations and additions that are in excess of $10,000,000, and that there will be no further charges to the Office of Personnel Management, except for routine operational expenses and costs in anticipation of future repairs subsequent to the recovery of the costs of alteration and additions in excess of $10,000,000: Provided further, That the $6,500,000 previously authorized for Avondale is no longer available for obligation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment provides for the transfer of certain property.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 6. Notwithstanding any other provision of law, such property as may be necessary, but not to exceed twenty acres, at the Beltsville Agricultural Research Center located in Beltsville, Maryland, may be provided at fair market value to the General Services Administration for the purpose of constructing a Federal Courthouse and that any amount resulting from the acquisition of the property shall be placed in an escrow account to be available hereafter for use in the renovation and restoration of the Beltsville Agricultural Research Center to be released as specified in advance in appropriations Acts.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment deletes a provision proposed by the House and stricken by the Senate which would have mandated certain action with regard to an Internal Revenue Service district office and inserts a provision regarding property located in Beltsville, Maryland.

Amendment No. 71: Inserts a new section number.

Amendment No. 72: Inserts a new section number.

Amendment No. 73: Inserts a new section number.

Amendment No. 74: Inserts a new section number.

Amendment No. 75: Inserts a new section number.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 12. Notwithstanding any other provision of law, the Administrator of General Services is authorized and directed to provide not less than 120,000 square feet of storage space, together with additional space as necessary for office use, to establish a National Long Term Records Center in Pittsfield, Massachusetts for the specialized storage of federal agency records by the National Archives and Records Administration: Provided, That notwithstanding any

other provision of law, the Administrator of General Services is authorized and directed to provide not less than 3,000 square feet of public space in Pittsfield, Massachusetts for a satellite facility of the New England Regional Archives: Provided further, That the Archivist of the United States shall assign adequate personnel to operate the satellite facility established by this section: Provided further, That the Administrator of General Services and the Archivist of the United States shall report on a quarterly basis to the House and Senate Committees on Appropriations on the progress made to implement the directives in this section and the resources necessary to complete the Long Term Records Center and the satellite facility.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes and directs the Administrator of General Services to provide not less than 120,000 square feet of storage space, together with additional office space, to establish a National Center for Long Term Records in Pittsfield, Massachusetts. The Center will be operated by the National Archives and Records Administration. No further authorization from Congress or any federal agency is required for the General Services Administration to implement this directive, and the conferees expect the General Services Administration to work with the National Archives to provide the space for this facility in the designated area as soon as possible. The amendment also authorizes and directs the Administrator of General Services to provide not less than 3,000 square feet of public space in Pittsfield, Massachusetts to establish a satellite facility of the New England Regional Archives, including a reading room and microfilm facility. Adequate staff shall be assigned to operate this facility. Finally, the amendment requires the General Services Administration and the National Archives to report quarterly to the House and Senate Committees on Appropriations on progress made to implement this directive.

The amendment does not require the relocation of the New England Regional Archives to Pittsfield, as proposed by the House.

Amendment No. 77: Inserts a new section number.

Amendment No. 78: Restores a provision proposed by the House and striken by the Senate which directs the Administrator of General Services to coordinate certain requirements with the Resolution Trust Corporation.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 15. Notwithstanding any other provisions of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collections, or other income received during fiscal year 1991 in the form of rebates, cash incentives or otherwise, related to energy savings, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs as may be authorized by law or as may be deemed appropriate by the Administrator of General

Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary: Provided, That the General Services Administration shall provide the House and Senate Committees on Appropriations with a plan to ensure a balanced and equitable approach for the relocation of Federal agencies in the Washington, D.C. metropolitan area by March 31, 1991.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to receive rebates and other energy credit incentives. It also inserts a provision which requires General Services Administration to make a study regarding relocation of agencies in the Washington, D.C. Metropolitan Area.

WASHINGTON, D.C. METROPOLITAN AREA

The conferees are aware of concerns about disparities in the distribution of Federal office space in the greater Washington, D.C. metropolitan area. The conferees have included language in the bill directing the General Services Administration to prepare a plan to ensure a balanced and equitable approach for the relocation of federal agencies in this area.

As part of this plan, General Services Administration is expected to provide detailed information on the total square footage of office space owned and leased by the Federal government in the Maryland and Virginia suburbs and Washington, D.C. This should include separate statistics for Department of Defense leased and owned facilities. The plan should also include a detailed accounting of the comparative leasing cost and land costs per square foot in the District, northern Virginia and Maryland.

The conferees expect the plan to take into account employee needs including closeness to place of residence, the quality of the work space and access to public transportation, including Metrobus and areas along planned, as well as existing, Metrorail lines. The conferees acknowledge the lead role of the federal tenant agencies in determining which locations best serve their missions.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert: *16*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to sell the existing Charleston, West Virginia Federal Building and deposit the proceeds of the sale into the Federal Buildings Fund.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert: *17*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to sell the Minneapolis, Minnesota, Federal Building and United States Courthouse, to deposit the proceeds from the sale into the Federal Buildings Fund, and to accept donations from the City of Minneapolis to support the construction of a new Federal Building and United States Courthouse in Minneapolis.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert: *18*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment regards requests for proposals for the procurement of move management services.

The conferees continue to be extremely concerned about the scope and direction of the household goods movement program administered by the General Services Administration. The Congress directed in fiscal year 1989 that the General Services Administration consider expanding the coverage of brokerage contracts for move management services to include other agencies. Service contracts of this type may provide an opportunity for significant administrative savings for participating agencies. The pilot project managed by the Social Security Administration (SSA) is reported to have saved $989,830 between May 1, 1985 and April 30, 1989.

On September 24, 1990, the General Services Administation issued a solicitation on behalf of the Department of Labor for the type of move management services that will relieve the Department of Labor from the administrative burden of providing these services with its own personnel. The conferees support the expeditious award of this and similar contracts. The conferees direct the General Services Administration to closely monitor brokerage services and their procedures concerning move management. The conferees also direct the General Services Administration to issue a solicitation of move management services within thirty days of the enactment of this Act. This solicitation shall include other government agencies and their employees in a manner that assures the best combination of rates and services in the long term. Brokers should be encouraged to give consideration to minority and small business firms.

The Conferees fully support the continuation of the SSA pilot project for the remaining term of its current relocation contract. In addition, the conferees understand that the General Services Administration will have in place, by October 1990, a performance index ranking system whereby carriers' performance can be measured and compared. The conferees urge the issuance of this data soon as it is available. The General Services Administration is directed to provide to the House and Senate Committees on Appropriations, by March 31, 1991, a status report on the move manage-

ment services solicitation and other efforts underway or contemplated regarding the movement of household goods.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert: *19*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to utilize up to 200,000 square feet of lease space in the Harlem International Trade Center in New York City, subject to the availability of Federal tenants.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 20. Notwithstanding any other provision of law, the General Services Administration is directed to maintain during the fiscal year ending September 30, 1991, the vehicle rental rates and per mile rates charged to schools and dormitories funded by the Bureau of Indian Affairs that were in effect on June 30, 1990, except for subsequent per mile rate adjustments related to fuel cost increases.

SEC. 21. Notwithstanding any other provision of this Act, the amount available in the Federal Buildings Fund for program direction and centralized services shall not exceed $122,474,000.

The managers on the part of the Senate will move to concur in the amendment of the House amendment of the Senate.

The conferees have included a general provision in the bill that would place a one-year moratorium on implementation of new GSA vehicle lease and mileage rates charged to Bureau of Indian Affairs-funded schools and dormitories. These new rates, scheduled to go into effect October 1, 1990, would otherwise raise bus lease costs by 65–100%, causing severe hardship to these federally-funded schools. The provision permits GSA to pass on fuel cost increases to these schools, GSA has assured the Conferees that such fuel-cost-related per-mile rate increases would not be instituted until 1991. The conferees also request GSA to prepare, in consultation with the Bureau of Indian Affairs, an analysis of the transportation costs of BIA-funded schools and dormitories, and report their findings to the House and Senate Committees on Appropriations with recommendations for meeting those costs.

Section 21 of this amendment establishes a new ceiling on the availability of revenue in the Federal Buildings Fund for program direction, It is the intent of the conferees that this ceiling is $122,474,000 rather than $90,781,000 as appears under the heading of the Federal Buildings Fund.

NATIONAL ARCHIVES AND RECORDS SERVICE

Amendment No. 85: Appropriates $138,219,000 for operating expenses instead of $139,756,000 as proposed by the House and $131,469,000 as proposed by the Senate.

Amendment No. 86: Makes available $5,250,000 for the National Historical Publications and Records Commission instead of $5,000,000 as proposed by the House and $6,500,000 as proposed by the Senate.

Amendment No. 87: Modifies a provision proposed by the House and stricken by the Senate which makes available $8,000,000 for renovations and improvements to the John F. Kennedy Library in Boston, Massachusetts.

PRESIDENTIAL LIBRARIES

The Presidential Libraries rely on a successful partnership of public and private support. This shared public/private responsibility for Presidential Libraries was envisioned by the Congress when it passed the Presidential Libraries Act of 1955 and amendments to that Act in 1986. The Act requires the initial construction of Presidential Libraires to be funded by non-federal sources and authorizes the Libraries to charge an admission fee and accept private funding. The 1986 amendments to the Act require the establishment of privately funded endowments for future Libraries to support building operation costs and authorize all Libraries to solicit private funds. As a result, the policy of the National Archives regarding library improvements has been that federal funds be used for building extensions, additions, repairs and alterations and that private funds and proceeds from Library admission fees and sales be used to support museum exhibits, educational programs, and other related activities.

The conferees applaud the fund-raising efforts of Presidential Library Foundations to enrich the offerings of the Libraries. The LBJ Foundation has funded two complete museum renovations since the Library was opened. Other Presidential Library Foundations, including the Herbert Hoover Presidential Library Association, The Eleanor and Franklin Roosevelt Foundation, The John F. Kennedy Foundation, The Carter Center, Inc., The Harry S. Truman Institute, The Gerald R. Ford Foundation, and The Dwight D. Eisenhower Foundation are engaged in or planning fund-raising efforts in support of museum exhibits, educational programs, and other related activities.

The conferees have provided additional federal funds sought by the Kennedy Library. Other Presidential Libraries may have similar funding requirements. The conferees, therefore, request the National Archives and Records Administration to assess the facility and other requirements of the Presidential Libraries and report its findings to the House and Senate Committees on Appropriations by March 1, 1991.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter inserted by said amendment, insert the following:

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

GENERAL PROVISION

SECTION 1. (a)(1) The position of Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5. Effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act, the basic rate of pay for such position shall be the minimum rate of pay grade GS–16 of the General Schedule under section 5332 of title 5, United States Code.

(2) There is established within the Center for Legislative Archives within the National Archives and Records Administration the position of Specialist in Congressional History.

(b) There shall be made available from funds appropriated in each fiscal year to the National Archives and Records Administration, $20,000 for the administrative expenses of the Advisory Committee on the Records of Congress established under section 2701 of title 44, United States Code.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (a) and (b) of this section.

(d)(1) Title 44, United States Code, is amended by inserting after chapter 25, the following new chapter:

CHAPTER 27—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

"Sec.
"2701: Advisory Committee on the Records of Congress.
"2702. Membership; chairman; meetings.
"2703. Functions of the Committee.
"2704. Powers of the Committee.
"2705. Compensation and travel expenses.
"2706. Administrative provisions.

"§ 2701. Advisory Committee on the Records of Congress

"(a) There is established the Advisory Committee on the Records of Congress (hereafter in this chapter referred to as the Committee).

"(b) The Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), except that the Committee shall be of permanent duration, notwithstanding any provision of section 14 of the Federal Advisory Committee Act.

"§ 2702. Membership; chairman; meetings

"(a)(1) The Committee shall consist of the eleven members including—

"(A)(i) the Secretary of the Senate;
"(ii) the Clerk of the House of Representatives;
"(iii) the Archivist of the United States;
"(iv) the Historian of the Senate; and
"(v) the Historian of the House of Representatives; and
"(B) six members of whom one shall be appointed by each of the following:

"(i) the Speaker of the House of Representatives;
"(ii) the Minority Leader of the House of Representatives;
"(iii) the Majority Leader of the Senate;
"(iv) the Minority Leader of the Senate;
"(v) the Secretary of the Senate; and
"(iv) the Clerk of the House of Representatives.

"(2) Each member appointed under paragraph (1)(B) shall have knowledge or expertise in United States history, archival management, publishing, library science, or use of legislative records.

"(b) The Secretary of the Senate shall serve as Chairman during the two-year period beginning on January 1, 1991, and the Clerk of the House of Representatives shall serve as Chairman during the two-year period beginning on January 1, 1993. Thereafter, such members shall alternate serving as Chairman for a term of two years.

"(c)(1) Members of the Committee referred to in subsection (a)(1)(A) shall serve only while holding such offices. Members appointed to the Committee under subsection (a)(1)(B) shall serve for a term of two years, and may be reappointed without limitation. The initial appointments for such terms shall begin on January 1, 1991.

"(2) Any vacancy on the Committee shall not affect the powers of the Committee. Any vacancy in an appointed position on the Committee shall be filled in the same manner in which the original appointment was made.

"(d)(1) No later than thirty days after the date on which the first session of the 102d Congress begins, the Committee shall hold its first meeting. Therefore, the Committee shall meet semi-annually or at the call of a majority of its members.

"(2) Seven members of the Committee shall constitute a quorum, but a lesser number may hold hearings.

"§ 2703. Functions of the Committee

The Committee shall—

"(1) review the management and preservation of the records of Congress;

"(2) report to and advise the Congress and the Archivist of the United States on such management and preservation; and

"(3)(A) no later than December 31, 1991, conduct a study and submit a report to the Congress on—

"(i) the effect any transfer of records of the National Archives and Records Administration from facilities located in Washington, D.C., to any location outside of Washington, D.C., shall have on the management and preservation of the records of Congress; and

"(ii) the five year plan for the management and preservation of the records of Congress; and

"(B) no later than December 31, 1995, conduct a study to update the report submitted under subparagraph (A)(ii), and submit a report to the Congress.

"§ 2704. Powers of the Committee

"(a) For purposes of carrying out the duties referred to under section 2703, the Committee or, on the authorization of the Committee, any subcommittee or member thereof, may hold such hearings, sit

and act at such times and places, take such testimony, and receive such evidence as is appropriate.

"(b) The Committee may secure directly from any department or agency of the United States such information as the Committee may require to carry out the duties referred to under section 2703. Upon request of the Chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

"§ 2705. Compensation and travel expenses

"A member of the Committee may not be paid compensation for service performed as a member of the Committee. However, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Committee.

"§ 2706. Administrative provisions

"(a) Upon request of the Committee, the head of any Federal agency is authorized to detail to the Committee, on a non-reimbursable basis, any of the personnel of such agency to assist the Committee in carrying out the duties referred to under section 2703 and such detail shall be without interruption or loss of civil service status or privilege.

"(b) For purposes of supporting the Committee, the Archivist may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-16 of the General Schedule under section 5332 of such title.".

(2) The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 25 of such title the following:

"27. Advisory Committee on the Records of Congress ..... 2701".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have included this general provision in the bill which creates an Advisory Committee on the Records of Congress to monitor the management and preservation of the records of the Congressional History within the Center for Legislative Archives. The conferees have provided an additional $90,000 in the National Archives budget for these activities and expects the Archivist to raise the general schedule level of the Specialist in Congressional History to a GS-13 on the date of the enactment of this Act. The conferees further urge the Archivist to reclassify this position to a GS-14 thereafter.

OFFICE OF PERSONNEL MANAGEMENT

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$114,461,000, of which up to $250,000 shall be made available to continue the use of job sharing arrangements in agencies as authorized in section 3402 of title 5, United States Code, and of which not less than $400,000 nor more than $1,000,000 shall be made available for the establishment of Federal health promotion and disease prevention programs for Federal employees*

The managers on the part of the Senate will move to concur in the amendment of the House to the Amendment of the Senate.

This amendment appropriates $114,461,000 for the Office of Personnel Management and inserts language earmarking not less than $400,000 nor more than $1,000,000 for disease prevention and health promotion activities and up to $250,000 for job sharing.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a general provision authorizing the eligibility of qualified clinical social workers, optometrists, nurse midwives and nurse practitioners for reimbursement of services under the Federal employees health benefits program.

GENERAL PROVISIONS—THIS ACT

Amendment No. 91: Restores a provision proposed by the House and stricken by the Senate which prohibits the closing of the General Services Administration Federal Information Center in Sacramento, California.

Amendment No. 92: Restores a section number proposed by the House.

Amendment No. 93: Restores a section number proposed by the House.

Amendment No. 94: Restores a section number proposed by the House.

Amendment No. 95: Restores a section number proposed by the House.

Amendment No. 96: Restores a section number proposed by the House.

Amendment No. 97: Restores a section number proposed by the House.

Amendment No. 98: Restores a section number proposed by the House.

Amendment No. 99: Restores a section number proposed by the House.

Amendment No. 100: Restores a section number proposed by the House.

Amendment No. 101: Restores a provision proposed by the House and stricken by the Senate which authorizes the General Services Administration to lease certain space in Tacoma, Washington.

Amendment No. 102: Restores a section number proposed by the House.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment

changes the fiscal year from 1990 as proposed by the House to 1991 as proposed by the Senate.

Amendment No. 104: Restores a section number proposed by the House.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the stricken and inserted by said amendment, insert the following:

SEC. 521. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment strikes a provision proposed by the House prohibiting the use of funds to contract out or to downgrade positions of the Bureau of Engraving and Printing Police Force, and inserts a new section prohibiting the use of funds to contract out, downgrade, or study the feasibility of contracting out position classifications of the Mint and Bureau of Engraving and Printing.

Amendment No. 106: Restores a section number proposed by the House.

Amendment No. 107: Restores a section number proposed by the House.

Amendment No. 108: Restores a section number proposed by the House.

Amendment No. 109: Restores a section number proposed by the House.

Amendment No. 110: Restores a provision proposed by the House and stricken by the Senate prohibiting the withdrawal of the designation of Front Royal, Virginia as a U.S. Customs Service port of entry.

Amendment No. 111: Restores a section number proposed by the House.

Amendment No. 112: Amends a provision proposed by the House and modified by the Senate.

INVESTIGATION AND PROSECUTION OF FRAUD

This amendment is designed to assure effective coordination and maximum use of the collective resources of all federal departments and agencies in the effort to investigate and prosecute illegal activity in the federally insured financial industry and the Resolution Trust Corporation. To that end, this amendment provides extraordinary authority for federal departments and agencies to participate in such investigations and prosecutions under the supervision of the Attorney General and to exercise relevant authorities of the Department of Justice under his supervision. Supervision is intended to mean such investigative, prosecutorial and/or administrative

guidance provided by the Attorney General or his delegate acting on behalf of the Attorney General, including such case oversight provided by any appropriate United States Attorney's Office. Employees of participating federal agencies may be assigned to task forces under the direction of the Attorney General or his delegate, or alternatively such employees may work under the supervision discussed above.

Specifically, this amendment [subsection (a)(1)] provides that the Attorney General shall accept the services of attorneys, law enforcement personnel and employees of other departments and agencies that choose to provide these resources to be used under the supervision of the Attorney General to assist the Department of Justice in the investigation and prosecution of fraud and other unlawful activity in any federally insured financial institution and the Resolution Trust Corporation. The amendment effectively waives the reimbursement requirements of the Economy Act and similarly waives any limitation upon the expenditure of appropriated funds by participating federal agencies for such activities by permitting each federal agency and department temporarily to include the detection and prosecution of financial industry fraud as part of its mission. Nor will the expenditure of funds by participating federal agencies for such activities constitute a funding supplement to the benefit of the Department of Justice in violation of budget augmentation prohibitions. However, this extraordinary authority does not repeal the Attorney General's authority to reimburse any participating agency for detailed personnel.

The amendment [subsection (a)(2)] permits attorneys of other departments and agencies whose services are accepted for the purpose of detecting and prosecuting financial industry fraud to conduct or perform under the supervision of the Attorney General any investigative and prosecutorial function which United States Attorneys are authorized by law to conduct or perform. This provision will thus permit attorneys of other departments and agencies to exercise under the supervision of the Attorney General the authority conferred on United States Attorneys while retaining their identity as attorneys of their own departments or agencies.

The amendment [subsection (a)(3)] authorizes all law enforcement personnel of the United States Secret Service to conduct or perform under the supervision of the Attorney General any kind of investigation, civil or criminal, related to fraud or other criminal or unlawful activity in or against any federally insured financial institution or the RTC, which Department of Justice law enforcement personnel can conduct or perform. Secret Service law enforcement personnel may be assigned to task forces under the direction of the Attorney General or his delegate, or alternatively such personnel may work separately under the supervision of the Attorney General. By implementing this amendment [subsection (a)(3)], all Secret Service law enforcement personnel providing services contemplated by this amendemnt shall be able to exercise the authority of the FBI and other Department of Justice agents while retaining their identity as Secret Service agents. The Secret Service has informed the Conferees that it intends to commit from limited Secret Service resources experienced criminal investigative special agents who shall be assigned to the efforts contemplated by this amendment.

However, the Director of the Secret Service shall retain the authority to determine the extent to which Secret Service manpower and resources shall be committed to such efforts. Moreover, this amendment does not intend to limit or circumscribe in any way the present authority conferred upon the Secret Service in connection with the Federal Deposit Insurance Corporation, or as to financial crimes in general, as provided pursuant to Title 18 of the United States Code at Section 3056(b)(1), or the enumerated sections appearing therein.

Finally, this amendment [subsection (b)(2)] provides that this section shall expire with the authority of the Resolution Trust Corporation or its successor. Thus the authorities provided by this section continue to exist as long as the authority of the RTC exists, and do not terminate, for example, upon the reorganization or renaming of the RTC.

Federal Employees Pay Comparability Act of 1990

The disparities between Federal and non-Federal pay, the subsequent recruitment and retention problems experienced by Federal agencies nationwide, and concern about the quality of new candidates for Federal service have led the managers to agree to language included as part of the conference report, encompassing the "Federal Employees Pay Comparability Act of 1990." The goal of the Act is to achieve full comparability, namely pay parity, between Federal employees and their nonfederal counterparts on a locality-by-locality basis. Pay disparities identified in an initial survey of geographic areas throughout the country would be closed, under the goals of the Act, within the next decade. In short, the Act adopts as the goal of the Federal pay-setting mechanism the notion that the rates of pay for Federal employees should be set at levels which, on a local basis, would be 100 percent of the rates of pay for their non-Federal counterparts.

Under the terms of the Act, the steady erosion, over the last 15 years, of Federal employee buying power would be immediately arrested. Annual Federal pay adjustments would be based upon actual changes in employment costs throughout the country and thus prevent any further widening of the gap between Federal and nonfederal salaries. Beyond that, a locality-based comparability adjustment system will undo the negligence of the past over the next ten years. The managers assume that the statistical methods used under current law for calculating pay comparability would continue to be used, to the extent appropriate, for determining pay disparities in the local pay areas under this bill.

The managers agree that potential significant costs are associated with this undertaking. But, the managers are also cognizant of the boundless costs which all Americans suffer when the Federal Government is unable to attract and retain those dedicated workers necessary to the delivery of services to all citizens. Consequently, the managers share the belief of the House Committee on Post Office and Civil Service and the Senate Committee on Governmental Affairs that pay adjustments for Federal employees should be viewed as a management responsibility and fully accounted as the cost of performing the business of government.

Principal among the precepts of the Federal Employees Pay Comparability Act of 1990 is the goal of divorcing the annual Federal pay-setting process from the political process. While discretion is granted the President under the permanent provisions of the Act, it is the expectation of the managers that, given the realistic mechanism in the Act, only on very rare occasion will the President be forced to exercise the discretion granted him in the Act. In the transition provisions for fiscal years 1992 through 1994, the discretion granted the President is even further limited to critical conditions defined in law, including a state of war as declared by Congress or a period of 2 consecutive quarters of negative growth in the Gross National Product. A summary of the provisions follows:

SUMMARY OF FEDERAL PAY REFORM

I. ANNUAL PAY ADJUSTMENT

Federal employees would receive an annual adjustment equal to the Employment Cost Index (ECI) minus .5% effective every January 1.

The President would have discretion to alter this adjustment if he determines that there is a national emergency or serious economic conditions affecting the general welfare. This discretion is substantially similar to current law.

II. LOCALITY ADJUSTMENTS

The Bureau of Labor Statistics (BLS) will conduct annual pay surveys in all geographic locations to determine whether a locality-based pay adjustment is necessary. BLS will report its findings to the President's Pay Agent and a newly-established Federal Salary Council. The Council will then make recommendations to the Pay Agent on locality-based pay adjustments. The Pay Agent includes those recommendations and its own recommendations in a report to the President. The goal of locality-based adjustments is to completely close any existing pay gap; however, the President would not be required to provide a locality adjustment in areas that have a pay disparity of 5 percent or less. Pay localities with a pay disparity of greater than 5 percent would receive an initial locality adjustment of at least two-tenths of the local pay disparity in fiscal year 1994. The President would be able to alter the fiscal year 1994 locality adjustments only in the event of war or severe economic conditions, defined as two consecutive quarters of negative GNP growth. However, if the total cost of these adjustments exceeds $1.8 Billion, the President would have discretion to alter the adjustment if he determines that there is a national emergency or serious economic conditions affecting the general welfare. In subsequent fiscal years, the President would be required to close the local pay gap an additional one-tenth each year until the pay disparity in each area has been closed by a least 95 percent. The President would have discretion to alter the locality adjustments in fiscal year 1995 and beyond. That discretion would be the same as the discretion available to the President for the annual pay adjustment. These adjustments would also be effective each January 1.

III. PAY FOR PERFORMANCE

The bill establishes a pay for performance labor-management committee to advise the Office of Personnel Management on the design and establishment of systems for strengthening the linkage between the performance of General Schedule employees and their pay. The committee shall be made up of a chairman appointed by the Director of the Office of Personnel Management, after consultation with the Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service in the House; an employee of the Office of Personnel Management; an employee of the Department of Defense; 3 employees of other departments; and six representatives of employee organizations. The Committee is required to report to the Director of the Office of Personnel Management on pay for performance systems within one year from the date of enactment.

IV. PAY FLEXIBILITIES

The bill contains a variety of special authorities to deal with particular recruitment and retention problems. The bill retains the Special Pay Rate authority in current law but increases the maximum amount payable to 30 percent above the maximum rate payable for the grade. The bill provides critical pay authority for up to 800 positions Governmentwide; these positions could be paid up to Executive Level I. The Office of Personnel Management would be given authority to establish Special Occupational Pay Systems for Federal occupations that are incompatible with the General Schedule, such as firefighters or health care occupations. Other special authorities include: recruitment and relocation bonuses of up to 25 percent of base pay; retention allowances of up to 25 percent of base pay; payment of travel and transportation expenses for new job candidates and new hires; advances of pay; increases in uniform allowances; time-off as an incentive award; and cash performance awards. The bill allows agencies to hire above the minimum step of any grade.

The bill also provides OPM with authority to waive the dual compensation restrictions on a case-by-case basis and allows OPM to delegate this authority to agencies under special circumstances for limited periods of time.

The bill allows the President to establish staffing differentials equal to 5 percent of basic pay for certain entry-level positions.

The bill gives the President authority to pay interim geographic adjustments of up to 8 percent from fiscal year 1990 until fiscal year 1994. The President must consider interim geographic adjustments for any area which has a significant pay disparity, based on BLS pay relative data, and which has a significant recruitment and retention problem.

Annual Adjustments For Fiscal Years 1992 through 1994

The bill creates a special rule for annual pay adjustments for fiscal years 1992 through 1994. For fiscal years 1992 and 1993, Federal employees would receive an adjustment equal to the ECI. For fiscal year 1994, Federal employees would receive an annual adjust-

ment equal to the ECI minus .5 percent. The President would have the discretion to alter these adjustments only in the event of war or severe economic conditions, defined as two consecutive quarters of negative GNP growth. However, if these adjustments exceeded 5 percent in any one year the President would have discretion to alter that portion of the adjustment which exceeds 5 percent if he determines that there is a national emergency or serious economic conditions affecting the general welfare.

Federal Law Enforcement Pay Reform

The Conferees have included a separate Title in pay reform section of the Act which is intended to provide immediate relief to the Federal law enforcement agencies who are facing severe recruitment and retention problems. These problems have been directly attributed to the large discrepancies which exist in the area of pay and benefits between Federal law enforcement officers and their state and local enforcement counterparts.

The National Advisory Commission on Law Enforcement studies these problems and reported its findings and recommendations to the Congress in April, 1990. The legislation included in the conference agreement incorporates the major recommendations of the Commission and will bring about changes that will curb resignations of experienced personnel and increases the pool of available qualified applicants.

The following elements will close the gap which has developed over the past ten years between Federal Agents/Officers and State/Local Law Enforcement Officers:

ENTRY LEVEL PAY

The below listed entry level pay grades for federal law enforcement officers (LEO) covered by the provisions of this legislation are effective January 1, 1992:

LEO GS-3/1 becomes GS-3/4; [1] GS-3/7.
LEO GS-4/1 becomes GS-4/4; [1] GS-4/7.
LEO GS-5/1 becomes GS-5/4; [1] GS-5/8.
LEO GS-6/1 becomes GS-6/3; [1] GS-6/6.
LEO GS-7/1 becomes GS-7/3; [1] GS-7/5.
LEO GS-8/1 becomes GS-8/3.
LEO GS-9/1 becomes GS-9/2.
LEO GS-10/1 becomes GS-10/2.

[1] Effective January 1, 1993.

Using the above listed increases called "special pay rates", a complete new scale will be established for Steps 1 through 10 of grades GS-3 through GS-10. Each step beyond the Law Enforcement GS-3/1 will be raised proportionately up through the Law Enforcement GS-10/10.

For grades GS-3 to GS-7 (inclusive) the increase will be phased in over a two-year period, half in FY-92 and half in FY-93. For grades GS-8 to GS-10 (inclusive) the total increase will occur during FY-92.

These steps will be effect for all qualified Federal law enforcement employees entering or at the above listed grades on the effec-

tive date. On the effective date, incumbent employees in grades GS–3 through GS–10 (inclusive) at steps above Step 1 will receive proportionate increases according to the new scale.

For those Federal law enforcement agencies using pay schedules other than the General Schedule, the increases will be proportionate to the increases made to the General Schedule.

LOCALITY PAY ADJUSTMENT

Permanent assignment to the following CMSA's (Consolidated Metropolitan Statistical Areas) will allow for increases of base pay at the following percentages:

Los Angeles—16 percent of base pay.
New York—16 percent of base pay.
San Francisco—16 percent of base pay.
Boston—16 percent of base pay.
San Diego—8 percent of base pay.
Washington, DC—4 percent of base pay.
Chicago—4 percent of base pay.
Philadelphia—4 percent of base pay.

The percentage of increase is added to the base, creating a new base for each location before Administratively Uncontrolled Overtime (AUO) is computed.

The locality adjustment is considered part of base pay for the computation of overtime, life insurance and retirement benefits and are subject to bi-weekly pay limitations.

Locality adjustments are made on the basis of office location not on the basis of residence location and are effective beginning January 1, 1992 until OPM establishes a separate Law Enforcement Pay System. Payments will cease upon transfer to another area.

Any locality pay authorized by General Pay Reform will be considered as an off-set and will not be paid in addition to locality pay authorized by this legislation.

RELOCATION BONUS

Agencies will have discretion to pay up to 25% of base pay or up to $15,000, whichever is higher, to qualified Federal law enforcement officers transferring from one area to another area with a greater cost of living.

This provision is effective for transfers beginning on or after January 1, 1992.

FOREIGN LANGUAGE BONUS

Agencies will have the discretion to pay sums up to 5% of base pay to eligible Federal law enforcement employees whom the agency determines have demonstrated a level of proficiency in a foreign language and where a need exists to use that language in the performance of their duties.

The computation of language bonus is made using base pay excluding any geographic adjustment. This provision is effective beginning January 1, 1992, except for those employees of the FBI and DEA receiving language bonuses prior to 1/1/92. Those FBI and DEA employees will continue to receive language bonuses at rates authorized by PL 100–690. FBI and DEA law enforcement employ-

ees awarded language bonuses on or after 1/1/92 will receive the bonus based on rates prescribed by this legislation.

Language bonuses are not considered part of base pay for the computation of retirement, life insurance or AUO and are not subject to any bi-weekly pay limitations. It is anticipated that these bonuses will be paid annually in a lump sum.

SCHEDULED OVERTIME

Effective January 1, 1992, scheduled overtime (SOT) paid to qualified Federal law enforcement employees will be paid at the rate of time and one-half of a GS–10/Step 1 or the straight hourly rate of an employee's actual grade, whichever is higher.

BI-WEEKLY PAY LIMITATION

During any single pay period, a qualified Federal law enforcement employee may not receive compensation that exceeds 150% of the bi-weekly gross base pay of a GS–15/Step 1 including a geographic adjustment, but may not exceed the annual salary of an Executive Level V. Accordingly, bi-weekly pay limitations will vary according to geographic regions. Bi-weekly pay limitations in areas receiving geographic adjustments will be higher allowing employees to receive the benefit of geographic adjustments.

This provision is effective with the first pay period beginning on or after January 1, 1992.

ANNUAL PAY LIMITATION

Regardless of payments authorized by this legislation including those bonuses not subject to bi-weekly pay limitations, no annual compensation may exceed the annual salary of an Executive Level I.

MANDATORY RETIREMENT AGE

Effective immediately upon enactment, the mandatory retirement age for federal law enforcement officers is changed from 55 years of age to 57 years of age.

PRESIDENTIAL DISCRETION

Presidential discretion regarding the suspension of benefits under this legislation will be consistent with the discretion that currently exists.

There will be a side agreement specifically regarding the exercise of Presidential discretion in FY–92, FY–93 and FY–94.

U.S. PARK POLICE & U.S. SECRET SERVICE UNIFORMED DIVISION PAY

Effective with the first pay period beginning on or after January 1, 1992, the United States Park Police and the United States Secret Service Uniformed Division will have the authority to pay Sunday Pay and Night Differential to their employees.

SEPARATE LAW ENFORCEMENT PAY SYSTEM

This legislation requires OPM to provide to Congress not later than January 1, 1993, a plan to establish a separate pay and classification system for Federal law enforcement.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *530*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that sums necessary for 1991 pay raises be absorbed within the levels appropriated. This provision is necessary to prevent any unfunded amounts needed to cover the costs of the 1991 cost-of-living pay adjustments from being scored against the bill as a possible later requirement and has been included in prior appropriation Acts.

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *531*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment amends the Presidential Protection Assistance Act to permit the expenditures of up to $300,000 for state and local law enforcement assistance, and to allow the use of fiscal year 1991 funds to cover reinbursements claimed during fiscal year 1990. Costs for Presidential Protection will rise above $160,000 in 1990 and 1991.

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number in said amendment, insert the following: *532*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Internal Revenue Service to use procedures other than competitive procurement procedures to hire outside experts to support Internal Revenue Service examination and litigation efforts. The Commissioner of the Internal Revenue Service indicated that this is the most important action the Congress could take to help the Internal Revenue Service with its large case program and to enforce the tax laws against foreign-controlled corporations.

At the beginning of each fiscal year the Internal Revenue Service shall provide to the House Committee on Appropriations and the Senate Committee on Appropriations a complete list of experts retained and expenditures made for the procurement of experts

under procedures other than competitive procedures in the prior fiscal year.

Amendment No 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 533. Notwithstanding any other provision of this Act, the amount appropriated to the Federal Labor Relations Authority for salaries and expenses is $18,693,000.

SEC. 534. Notwithstanding any other provision of this Act, the appropriation for salaries and expenses for the Advisory Committee on Federal Pay shall be $100,000.

SEC. 535. REPORT ON PRODUCTIVITY OF THE FEDERAL WORKFORCE.

(a) IN GENERAL.—The Office of Personnel Management shall review and report on the productivity of the Federal workforce. The report shall include recommendations with regard to the following:

(1) How productivity within the Federal workforce can be increased, the delivery of Government services improved, and the payroll costs of Government controlled through improved organization, training, advanced technology, and modern management practices.

(2) The size, structure, and composition of the Federal workforce.

(3) Criteria for use by departments and agencies to determine the level of personnel necessary to accomplish their functions and goals.

(4) Changes in Federal law, regulations, and adminstrative practices to promote economy, productivity, effectiveness, and managerial accountabilty within the Federal workforce.

(b) DEADLINE.—This report shall be submitted to Congress no later than 24 months after the date of enactment of this Act.

SEC. 536. (3) Notwithstanding any other provision of law, sick leave provided by section 6307 of title 5, United States Code, may be approved for purposes related to the adoption of a child in order to test the feasibility of this concept during fiscal year 1991.

(b) Subsection (a) shall cease to be effective as of September 30, 1991.

SEC. 537. None of the funds in this Act may be used to reduce the rank or rates of pay of a career appointee in the SES upon reassignment or transfer.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment deletes a provision proposed by the Senate which would have prohibited the use of funds to pay the salaries of Office of Management and Budget personnel who withhold funds made available by law for certain insured loans.

The conferees are agreed that the appropriation to the Federal Labor Realtions Authority for salaries and expenses is $18,693,000 instead of $18,443,000 which appears in Title IV of this Act. The

conferees have allowed an additional $250,000 to prevent the furloughing of Authority personnel.

This amendment appropriates $100,000 for salaries and expenses of the Advisory Committee on Federal Pay instead of $207,000 as provided in title IV of this Act.

This amendment requires the Office of Personnel Management to conduct a study of the Productivity of the Federal Workforce and submit it to the Congress within 24 months of the date of enactment of this Act.

This amendment authorizes the use of sick leave by Federal employees under certain conditions.

This amendment prohibits the use of funds to reduce the rate of pay of a career appointee in the SES upon reassignment or transfer.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 617. No funds appropriated in this or any other Act for fiscal year 1991 may be used to implement or enforce the agreements in Standard Form 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligaitons, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 USC 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including section 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section on nondisclosure policies, forms and agreements replaces a general provision that has been part of the Treasury, Postal Service and General Government Appropriations Act for the past three fiscal years, most recently as section 618 of the Fiscal Year 1990 Act, Pub. L. No. 101-136, 103 Stat. 783, 820 (1989). The prior law has been the subject of litigation since 1987, and the question of its constitutionality has been presented to, although not decided by, the Supreme Court. *American Foreign Service Ass'n* v.

Garfinkel, 109 S. Ct. 1693 (1989). As of this date, the controversy over the prior law remains the subject of litigation.

The prior law contained a number of prohibitions on the content of nondisclosure policies, forms and agreements. Section 617 replaces those prohibitions with an affirmative statement, which is to be included in nondisclosure policies, forms and agreements. The purpose of the required statement is to assure that the restrictions in nondisclosure policies, forms and agreements do not supersede, conflict with, or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356, on classifying and safeguarding national security information, and several statutes, notably the Lloyd-LaFollette Act, 5 U.S.C. 7211, on the right of federal employees to petition and to provide information to the Congress, and provisions of the Civil Service Reform Act and the Military Whistleblower Protection Act, 5 U.S.C. 2302(b)(8) and 10 U.S.C. 1034, on disclosures to the Congress. By including specific citations of these laws in any nondisclosure form, agreement or policy, it is intended that it be made clear to employees and others that the right established by these statutes to disclose information to the Congress is not limited in any manner by any such agreeement, form, or policy.

In keeping with the admonition of the Supreme Court that a court "should not pronounce upon the relative constitutional authority of Congress and the Executive Branch unless it finds it imperative to do so," 109 S. Ct. at 1698, it is the objective of the managers in reporting Section 617 to provide an appropriate balance between the interests of the two branches and a basis for terminating the prolonged litigation over the prior law.

Amendment No. 118: Restores a provision proposed by the House and stricken by the Senate which authorizes a 4.1 percent cost-of-living adjustment for general schedule employees in 1991.

Amendment No. 119: Restores a section number proposed by the House.

Amendment No. 120: Restores a section number proposed by the House.

Amendment No. 121: Restores a section number proposed by the House.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *622*

and on page 80 lines 23 through and including line 2 on page 81 of the House engrossed bill, H.R. 5241, strike

> "(1) announce in any solicitation for offers to procure such goods or services (including construction services) the amount of Federal funds that will be used to finance the acquisition for which such offers are being solicited; and"

and insert in lieu thereof

> "(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved

(including construction services) the amount of Federal funds that will be used to finance the acquisition; and".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment would change the timing of the disclosure of federal funds to require any announcement on the amount of federal participation to be made when the contract is awarded rather than when the bids are solicited. This amendment will prevent bidders from using the federal allocation to calculate the total cost of a contract. Under the current procedure bidders have little incentive to bid below the disclosed procurement cost.

Amendment No. 123: Restores a section number proposed by the House.

Amendment No. 124: Restores a section number proposed by the House.

Amendment No. 125: Restores a section number proposed by the House.

Amendment No. 126: Restores a provision proposed by the House and stricken by the Senate which requires the Secretary of Education to release New College of California, Inc., from deed restrictions prohibiting it from mortaging its property to secure financing for property repairs necessitated by the California earthquake.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 627. (a) Agencies receiving funds appropriated by any Act and which award contracts under the Federal Acquisition Regulations shall provide to the General Accounting Office during October 1991, the following information for contracts awards during fiscal year 1991—

(1) the number and total dollar value of contracts awarded which required bonding of the contractors;

(2) the number and total dollar value of contracts for which individual sureties were used to meet the bonding requirements;

(3) the number of defaults by contractors using individual sureties and percentage they represent of total defaults;

(4) the number of individual sureties who defaulted on their obligation and the total dollar value of such defaults; and

(5) the number of contracts awarded to Minority Business Enterprises which required bonding of contractors and the number of these which used individual sureties to meet the bonding requirements.

(b) The General Accounting Office shall compile the information collected under subsection (a) and provide a report to the Senate and House Appropriations Committees no later than April 1, 1992. Such report shall include—

(1) the percentage of contracts for which individual sureties were used to meet bonding requirements;

(2) the percentage of total defaults by contractors using individual sureties;

(3) the percentage of individual sureties which default on their obligations; and

(4) the percentage of contracts awarded to Minority Business Enterprises for which individual sureties were used to meet bonding requirements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment requires Federal agencies which award contracts under the Federal Acquisition Regulations to collect and provide certain information on contracts awarded during fiscal year 1991 to the General Accounting Office.

Amendment No. 128: Reported to technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *628*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits Federal agencies from hiring Schedule C employees for the sole purpose of detailing those employees to the White House. This provision exempts intelligence community personnel.

In addition to the reporting requirements established in Section 616 of this Act, the conferees believe there should be an accurate accounting of the number of Executive department or agency and Legislative agency or office employees detailed to committees or offices of the House and Senate.

Therefore, the Inspector General of each Executive department or agency and the head of all professional and investigative agencies and offices within the control or purview of the Legislative branch, with the exception of those agencies exempted by section 616 of this Act, should submit an annual report in each fiscal year to the Appropriations Committees of the House and Senate on all employees or members of the armed services detailed to any office or committee of the House of Representatives or State of the United States. The report should list the grade, position, and offices of each person detailed and the agency or office to which such person is detailed.

The Legislative Branch agencies providing these reports should include the General Accounting Office; the Congressional Budget Office; and the Office of Technology/Assessment.

The Office of Management and Budget (OMB) should inform the Inspector General of each department and agency that this information should be provided to the House and Senate Committees on Appropriations.

Amendment No. 129: Deletes Senate language which prohibits the Office of Management and Budget from issuing accounting principle standards.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *629*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes Federal agencies to participate in state and local programs which encourage employees to use public transportation.

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *630*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment adds a Sense of the Senate Resolution which calls upon the President of the United States to take steps to ensure greater cost sharing for "Operation Desert Shield" by those countries who will benefit from the U.S. defensive activities in the Persian Gulf.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the first section number named in said amendment, insert the following: *631*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment amends current law to authorize free mail for military personnel "temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense." This provision provides free mail for troops participating in "Operation Desert Shield."

Amendment No. 133: Amends a provision proposed by the Senate. Detailed information on sections 633 and 634 of this amendment is provided in Amendment No. 112.

This amendment also adds a Sense of the Senate Resolution which calls upon the President to submit the U.N. Convention on the Rights of the Child to the Senate for ratification.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *635*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment adds a Sense of the Senate Resolution which states that if there are any hostilities between the United States and Iraq, the United States shall pursue Saddam Hussein and others and bring them to justice as war criminals.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1991 recommended by the Committee of Conference, with comparisons to the fiscal year 1990 amount, the 1991 budget estimates, and the House and Senate bills for 1991 follow:

New budget (obligational) authority, fiscal year 1990	$18,447,147,000
Budget estimates of new (obligational) authority, fiscal year 1991	20,712,458,000
House bill, fiscal year 1991	20,720,094,000
Senate bill, fiscal year 1991	20,709,910,800
Conference agreement, fiscal year 1991	20,906,325,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1990	+2,459,178,000
Budget estimates of new (obligational) authority, fiscal year 1991	+193,867,000
House bill, fiscal year 1991	+186,231,000
Senate bill, fiscal year 1991	+196,414,200

EDWARD R. ROYBAL,
STENY H. HOYER,
BILL ALEXANDER,
JOSEPH D. EARLY,
MARTIN O. SABO,
JULIAN C. DIXON,
JAMIE L. WHITTEN,
JOE SKEEN,
BILL LOWERY,
FRANK R. WOLF,
SILVIO O. CONTE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
PETE V. DOMENICI,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

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